A CENTURY OF EXPANSION

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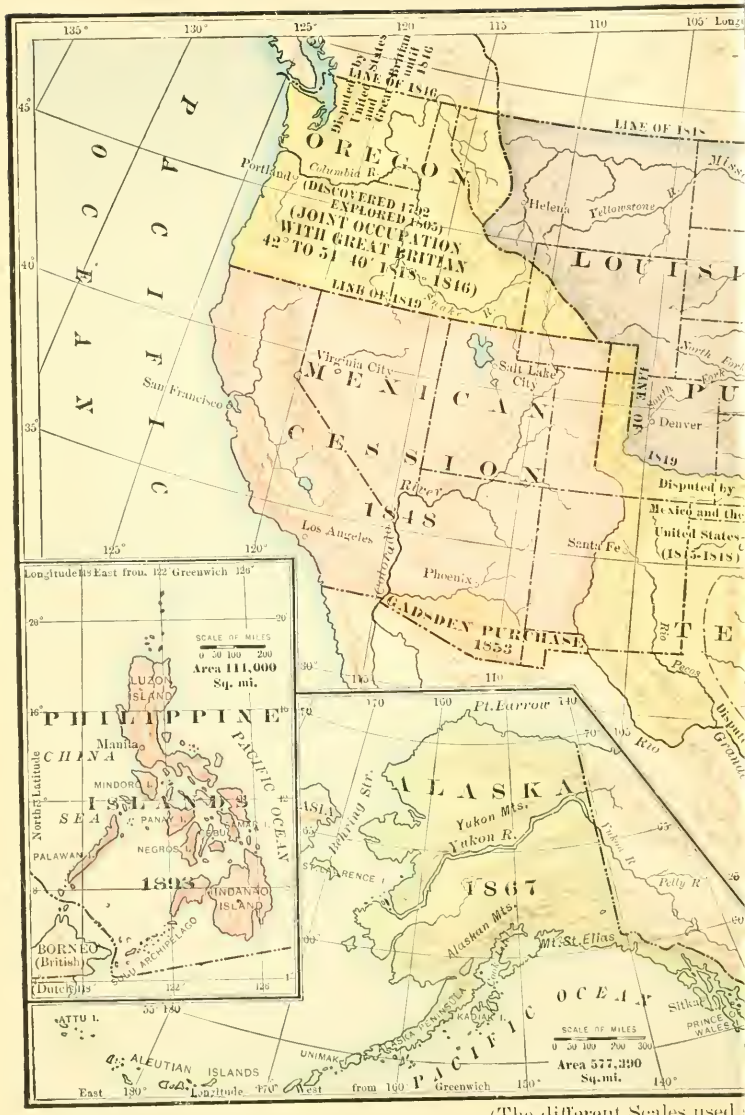

(The different Scales used

ted with particular care.)

A CENTURY OF EXPANSION

BY

WILLIS FLETCHER JOHNSON, A.M., L.H.D.

With Maps and Index

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To My Wife

PREFACE

The purport of the term "expansion" is sometimes carelessly misunderstood. It is, apparently, supposed to apply to nothing but acquisition of territory, and to that of recent date; to wit, our annexation of Porto Rico and the Philippines. Such a conception is inadequate and misleading. Expansion is no new thing, and it is not measured by any geographical scale. Its history begins with the history of the nation, and both its causes and its effects are intimately intertwined with almost every fibre of our national being. The expansion of the human body is a process of physical growth which is maintained incessantly so long as vitality is in the ascendant. When growth ceases the man begins to die. Moreover, it involves something far more than increase of physical bulk and stature. It is accompanied by a corresponding and, indeed, largely consequent development of the intellectual and spiritual nature. We may not say that the mind and soul are always developed commensurately with the physical body. But it is unquestionable that their development does largely depend upon the development of the physical powers and

upon the extension of activities which this makes both possible and necessary. A person leading the life of a babe in swaddling clothes could never hope to attain the intellectual and spiritual development of an active man of affairs.

The same principle is applicable to the state. Territorial expansion increases power, enlarges the sphere of activity, adds to responsibilities and duties, creates new problems for solution, leads to new relationships, and thus induces constitutional — that is, intellectual and moral — development of the nation. This is generally true of growing states. It is especially true of a new country under a constitutional government, in which the process of expansion began, practically, with the foundation of the state and has been maintained at intervals ever since. The history of American expansion is therefore something far more than a record of geographical extension, or even of wars and treaties. It involves the history, in large measure, of constitutional development and interpretation, of domestic institutions, of foreign relations, and of our whole national life. It is, moreover, a consistent and logical history. The physical growth of a man is a steady, persistent process, not an irregular series of disconnected spasms. We may say the same of our territorial expansion. However widely and irregularly separated by time, the individual acts of territorial acquisition are all intimately and essentially

related. Order and design characterize them. The law of cause and effect is dominant among them. In the first step of expansion, in colonial times, every subsequent step was forecast and made inevitable. From Washington at Great Meadows to Dewey in Manila Bay the span, in both time and space, is enormous, but it is a span of unbroken links of cause and effect, coherent, logical, and inevitable.

The history of American expansion, then, must trace this sequence of causes and effects. It must also note where national necessity here and there impinges upon the line to direct it hither or thither, and where in return the processes of expansion exert their influence upon the development of national institutions and the whole course of national thought and life. To do this with all possible completeness might well be a long life-work, and involve a publication of encyclopædic compass. The present essay has no such ambition. It aims to present the salient features of the great story, succinctly yet with sufficient comprehensiveness, at least, to suggest where it does not instruct. It aims, moreover, to deal justly with the varying phases of the checkered story. For it is not all pride and sunshine. The nation has not always acted wisely and well. There are things to condemn as well as to commend. Acts are not always necessarily right just because our own country performs them. The

best that we can claim, and we can truly claim it, is that, on the whole, our expansion has been a sound and beneficent growth, contributing to elevation of mind and spirit as well as to enlargement of area on the map of the world; so that out of all the storm and stress of disputed and sometimes devious ways —

> "Earth's biggest country's got her soul,
> And risen up earth's greatest nation."

It is in such confident faith that these pages have been penned, and in such a spirit that they are laid before the American people.

W. F. J.

NEW YORK, June, 1903.

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A CENTURY OF EXPANSION

CHAPTER I

THE OPENING OF THE DOOR

A PHILOSOPHER, equally genial and keen, has observed that the education of a man, to be complete, should begin several generations before he is born. A measure of that principle may be applied to the history of the territorial expansion of the American Republic. That expansion began before the Republic was born. The actual acquisition of new lands by the United States began only a century ago, in the purchase of the Louisiana territory from France. The processes and conditions which led to it, and which made it not only possible but inevitable, had an earlier date, preceding the formation or even the conception of the Republic. It will be seen, on consideration, that the territorial and political expansion, and even the so-called "imperialism," which formed so striking a feature of our nineteenth century history, were anticipated in the very circumstances of the Columbian discovery of America.

That discovery was effected by a man belonging to a people who were no longer a nation, who had already fallen into apparently irretrievable decay, whose feeble life was sustained by the mouldering remnants of past greatness, and who had at that time neither the ambition nor the capacity to found new colonies or to play a new part in the drama of the world. Italy was then in fact what Metternich in later years cynically declared it to be, "a geographical expression," and little more. Columbus was, it is true, also the representative and agent of another but kindred people, who did form a nation and a power, and that nation was then seemingly in the ascendant. But it had already implanted within itself the fatal elements of sure and swift decline. It was a power then, and for a century more, mighty for conquest, but inapt and impotent for effective colonization. The result was that when Columbus "found a new world for Leon and Castile" he gained for that kingdom something with which the latter was incompetent to deal. By virtue of his adventures Spain might claim ownership of the whole western hemisphere. But what would she, what could she, do with it?

History soon began to give its inexorable answer to that question. Spain was able to conquer, but not to hold; to spoil, but not to cultivate. Through sheer inability to occupy all her newfound world, she was compelled to share it with other and rival powers. For herself she managed

to retain for a long time the major portion, including especially those regions most suited to spoliation and least to permanent and important settlement, and some of those which were so remote, so inaccessible, and so little known as to be for the time beyond the ready reach of rivalry. But that portion of America lying nearest to Europe and resembling Europe most in natural characteristics, and therefore best suited to be the scene of lasting and extensive European colonization, she was in the course of a century compelled largely to relinquish to other powers, and especially to France and England. The minor settlements of Holland and Sweden soon vanished as political entities, leaving, however, important and valuable elements for incorporation into the English colonies. At the beginning of the eighteenth century, then, just after the treaty of Ryswick, the North American continent was partitioned substantially as follows: —

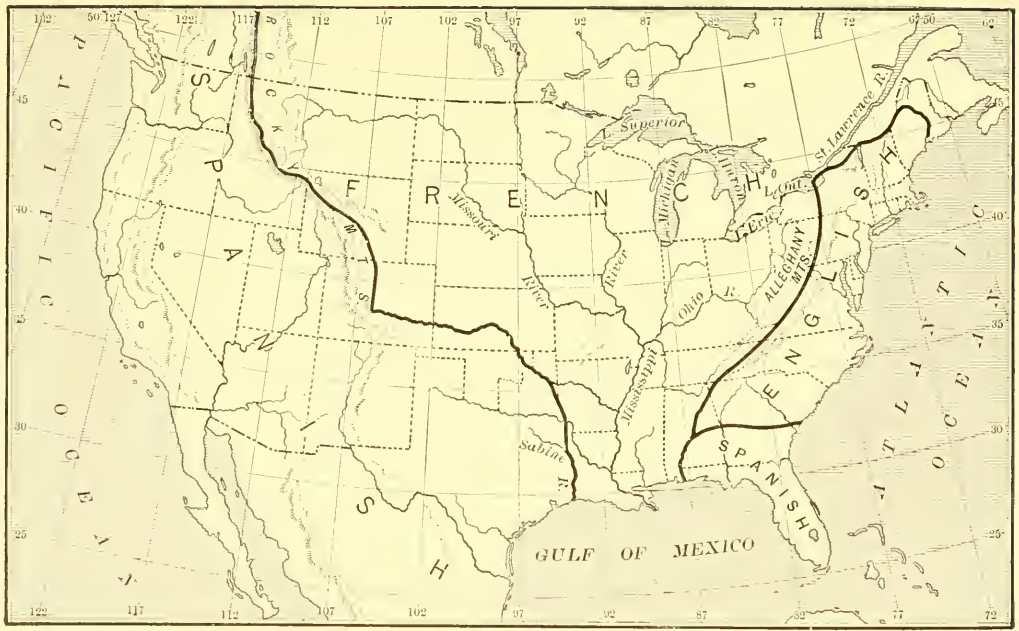
Spain, under title of original discovery and of the bull of Pope Alexander VI in 1493, claimed, and nominally possessed, all south of the thirty-third parallel of latitude east of the Perdido River, all south of the Arkansas River between the Sabine River and the Rocky Mountains, and all west of the Rocky Mountains as far north and south as man had ventured. Thus she was mistress of the Atlantic and Gulf coasts from near Charleston, South Carolina, southward to Central America,

with the exception of Louisiana, and of the entire Pacific coast of the continent.

France possessed all north and east of the Penobscot River, the valley of the St. Lawrence and basin of the Great Lakes, and the interior of the continent from the Alleghany Mountains to the Rocky Mountains as far south as the Spanish boundary line, and to the Gulf in Louisiana, between the Perdido and Sabine rivers.

England had what was left; namely, the narrow strip of Atlantic littoral, from the Penobscot River in Maine to Cape Romaine in South Carolina, extending inland to the base of the Alleghany Mountains.

Besides having thus by far the least colonial possessions, England had also by far the smallest domain at home in Europe, and was much the smallest in population and in apparent resources and prowess. She was, however, differentiated from the others in several marked respects, to her own incalculable advantage. In after years one of her own sons described her as "a nation of shopkeepers." The description was largely true, and by no means unworthy of a great people. She had, in her people if not always in her rulers, the genius of practicality. While Spain was seeking new lands for the sake of the gold that could be extracted from them, and France for the sake of the "glory" to be won from carrying her lilied standard far and wide, England was establishing



THE PARTITIONING OF NORTH AMERICA AT THE BEGINNING OF THE XVIII CENTURY.

industrial colonies and marts of commerce, and was creating a new England wherever the Cross of Saint George was planted. The difference was shown also in the attitude of the three peoples toward the natives of America. The Spanish were capricious. In some places they exterminated them, in some they enslaved them, in some they intermarried with them and formed a mongrel race, and in some they did all three together. The French generally tolerated them, with a good-humored patronage, and in not a few cases also practised miscegenation. But there was little variety and no uncertainty in the conduct of the English. They held themselves sternly aloof from the natives with an unconquerable pride of race, driving them ever from the land and taking it all for themselves. Each of the three powers was animated by a spirit of expansion and of conquest. But the spirits were radically different, and that of England was the one which, by the very force of natural necessity, was predestined ultimately to prevail.

Nor were those the only differences. There was a geographical one, too, not less worthy of consideration and not less potent in determining the course of empire. It has long been a truism that John Lackland's sacrifice of England's continental provinces was a blessing in disguise. It made the English nation insular, which means not only that the English became restricted in their views and

manner, but also that they were made compact, homogeneous, and more intensely patriotic. They were taught to seek the control of the sea; and they found in the sea an unfailing defence against their foes and immunity from alien invasion and interference. Had England been a part of the continent, accessible to land attack, she would have been subject to innumerable invasions and probably numerous conquests, as nearly every state on the European continent has been. If we consider the extent to which the continental countries have been the theatre of foreign wars and have accordingly been impressed by foreign influences, and the centuries of absolute exemption from all such things which the British Isles have enjoyed, we shall discover some of the chief sources of British greatness and some of the chief springs of British national character.

Now, it was this very insularity that led the English to colonize America in the way they did, that perhaps unconsciously gave them here a vantage ground that made inevitable a conflict-royal for continental supremacy, and that also made probable, if not certain, the triumph of the British colonies over those of France and Spain. The English colonies were planted along the coast. That may have been done through some prescient shrewdness. It was more probably due to the traditional tastes, habits, and perhaps timorousness of the people. The English were coast dwellers.

Their own island home was so small that even in its Midlands they had never been able to get far from the sea. They did not feel at home out of the breath of the Atlantic. Accustomed for generations to look to the sea for protection and for strength, they did not feel secure beyond reach of it. So it was that instead of striking inland and seeking to occupy the heart of the continent they spread themselves in straggling settlements along the coast and on the rivers flowing directly into the sea, where they would always be within reach of the ships that were at once their profit and their protection. We have described the bounds of their coast colonies as they were at the beginning of the eighteenth century. At the middle of that century they had pushed no farther inland, but they had extended farther along the shore, so that they had the whole coast from the St. Croix River at the north to the St. Mary's at the south, including every valuable harbor save one on the entire Atlantic littoral of North America.

What did that mean? We have seen in later days more than one controversy over the relations between the coast and the so-called "hinterland." Portuguese South Africa, the French shore of Newfoundland, and the Alaska "pan-handle" are familiar examples. They suggest and illustrate the almost invariable principle that ownership of the shore must lead either to ownership of the inland regions by the same power, or to an effort

of the inland power to break through the coast strip to the sea, or else to interminable friction between the two. When the English gained possession of that long strip of Atlantic coast, a conflict between them and whatever power held the Mississippi Valley became practically inevitable. If France occupied those inland regions, she would find herself shut away from the sea, save by the roundabout routes of the St. Lawrence and the Mississippi. Either she would suffer almost intolerable disadvantages, or she would be moved to gain for herself, by diplomacy or by force, an outlet across the English coast strip. It was thus that the South African Republic strove to break through the Portuguese territory to Delagoa Bay. It was thus that Canada, with no just reason, has long been trying to gain an outlet to the Pacific across our Alaskan littoral. There was also another course which might be pursued, not by France, but by England. It would be a hardship to the English colonies on the coast to be perpetually exposed to the efforts of the French inland to break out, and also to be themselves deprived of room for expansion. The bold course was to seek in one stroke to rid themselves of the one and to secure for themselves the other. Upon this course they decided. They would themselves move inland and forestall or expel their French rivals. They did not do so, however, for a full century after their acquisition

of the coast. It was not until then that they realized the need of doing so, or that they had sufficiently well established the coast colonies to use them as the base of such enterprises, or, indeed, had so "found themselves" as to dare to venture so far from their native sea. But at last, at the middle of the eighteenth century, the momentous step was taken.

That step was taken by Virginia. It was fitting that it should be so. The cavalier settlers of the Old Dominion were of all the English colonists in America the most adventurous and daring, and the most inclined to campaigns upon the land rather than upon the sea. At that point, moreover, the coast strip between the mountains and the sea was narrowest, the passage of the mountains was easiest, and the broad prairies of the Ohio Valley were most accessible. The great sea-arm of the Chesapeake and the broad, tidal river of the Potomac gave entrance from the Atlantic to the very foot of the Blue Ridge, and indeed through that range into the regions beyond. To New England or New York the Ohio Valley seemed as remote as the antipodes. Even to Pennsylvania — that is, to what is now the eastern part of that state, which is all the colony possessed — the headwaters of the Ohio, now within the state's boundaries, seemed inaccessible, beyond range after range of almost impassable hills. But Virginia regarded that region as lying near at hand and as easily accessible.

Indeed, she already claimed it for her own. The vague early boundaries of Maryland gave to that colony much of what is now the western part of Pennsylvania, while Virginia claimed the extreme west of Pennsylvania and Ohio all the way up to Lake Erie. In later years Virginia became famed as the "mother of Presidents." Long before a president was dreamed of, she was in most puissant fact the mother of expansion and of empire.

In that primal achievement the first great name is that of Alexander Spottswood. To-day his name is little remembered, save as borne by a Virginian county and its county-seat, — that county, by the way, the scene of some of the most tremendous struggles of our Civil War. It would be fitting to give some further and wider recognition to the man who first opened the gates of American expansion and literally blazed the way to continental empire. By birth and by record he was not unworthy to undertake such a task. He was a scion of the illustrious Scottish house of Spottiswoode, renowned in theology, statecraft, literature, and science. His great-grandfather was John Spottiswoode, minister of Calder and "superintendent" of Lothian in the Reformed Scottish Church. His grandfather was that John Spottiswoode who was also minister of Calder, who was made by James I archbishop of St. Andrews and primate of Scotland in succession to Gladstanes, a forebear of William Ewart Gladstone, who dictated the

adoption of the Perth Articles by the reluctant Scottish Church, who crowned Charles I at Holyrood and was made by him chancellor of Scotland, who was forced by that perfidious king to alienate himself from the Scottish Church, so that he was excommunicated by it, and was at the same time so betrayed by the king as to be compelled to resign the chancellorship, who wrote a monumental "History of the Church of Scotland," and whose mortal remains were interred in Westminster Abbey. The son of Archbishop Spottiswoode, and father of Alexander Spottswood, was also a man of parts and distinction.

Of such ancestry Alexander Spottswood was born, and students of heredity may find much fruitful suggestion in the story of his career. By ancestry Scotch, by nativity African, — he was born at Tangier, in Morocco, — in early life a soldier under Marlborough in Germany and at Blenheim, and finally governor of the colony of Virginia, he was deeply imbued with that cosmopolitanism which naturally leads toward imperial designs. Inheriting the memories of fierce ecclesiastical controversies, what wonder that at the end he came to grief through a conflict with the Church? His grandsire, the archbishop, and a kinsman of a later generation, William Spottiswoode, the great mathematician, were honored with sepulture in Westminster Abbey and their names are conspicuously recorded in history. Alexander Spotts-

wood's name is written upon the map of a world-embracing empire, and his dust is enshrined within the soil of the Old Dominion, where the gates of that empire were opened by his own hand. It is not the least of his distinctions that he was one of the best of all our colonial governors. He was able, honest, high-minded, far-seeing, enterprising, stalwart in body and in mind, his very frailties being of heroic mould. He was one of the first true republicans of America, chiding the aristocrats of Virginia for their airs and pride and equally criticising the commoners for their lack of pride and of self-assertion. He would have had the former realize that they were no better than the latter, and the latter that they were as good as the former. He had, moreover, the personal valor to lead whatever venture his ambition dictated.

This was the man who, as early as in 1718, first "marched over the mountain wall" of the Blue Ridge, through the Swift Run Gap, and first of all white men entered the beautiful valley of Virginia, watered by the Shenandoah. Never was the conquest of an empire begun in fashion more debonair. At the head of the cavalcade rode the knightly veteran of Blenheim, Spottswood himself, in the prime of vigorous manhood, just "come to forty year." Behind him were fifty Virginia cavaliers, ready for any adventure into which their chief might lead. Behind them came a long retinue of negro slaves and Indian guides, spare horses, and

sumpter-mules laden with provisions and casks of native Virginian wine. Marshalled and guided by the sound of the hunter's horn, they rode gayly through the passes of the Blue Ridge, in the enchanting weather which late summer and early autumn bestow upon that favored region, and entered the valley of the Shenandoah, destined in after years to be trodden by the hoofs of other cavalcades and to be the scene of tragic desolation. There were lacking the fair faces of Virginian dames and maidens. It was no expedition for womankind. The unknown road was rugged, the temper of the Indians was uncertain, and the panther crouched on the overhanging branch and the rattlesnake coiled in the grass and among the autumn flowers. Hardship and deadly peril were not unknown to Spottswood and his venturous riders. Yet it was on the whole a gay and merry company, enjoying, as they themselves declared, a glorious hunting-picnic amid the hills. Upon the banks of the Shenandoah the camp was pitched, and high wassail was held, with the grouse and pheasant which they shot in the forest glades and the wine they had brought from the vineyards of the Virginia lowlands. A smile is provoked by the memory that Spottswood first named the river Euphrates, in accord with the neo-classicism of that day. Better and more to the present purpose was his act in declaring the river and all the lands it drained and watered the property of the British

crown. He made formal record of that fact, placed the writing in a bottle from which he had just drained the last drop of Virginian wine, and buried it deeply upon the bank of the river. Then he and his comrades rode back again to their homes.

That, however, was not the end of his venture. Spottswood was not content with this mere excursion across the hills. His discerning eye looked far beyond, to all but limitless empire, until we can almost fancy Swift Run Gap aligned with the Golden Gate. An Indian guide had pointed out to him, as he stood upon a peak of the Blue Ridge, another mountain peak, far to the west and north, just visible upon the horizon through the autumnal haze. From that farther summit, said the Indian, one might see the sparkle of the great fresh-water sea which we now call Lake Erie. The suggestion fascinated Spottswood. He could not then ride on to that distant Alleghany peak. But he conceived the bold plan of one day doing so, not with fifty but with fifty hundred riders in his train, and with an innumerable following of sturdy settlers, to seize upon and to occupy the whole vast region from the mountains to the lake, even as the narrower strip from the mountains to the sea had already been secured. He wrote to the Lords of Trade in London plainly to that effect. The French had already made settlements along the lakes. They had pushed southward as far as the Mis-

sissippi River between the Ohio and the Illinois. They had founded at Kaskaskia what was already a large town, with a monastery and a college. Before long, if unchecked, they would have a chain of forts and towns connecting Canada with Louisiana. Such a line of alien posts surrounding the English colonies on their landward side would be a constant menace to the latter. "To prevent the dangers . . ." wrote Spottswood, "nothing seems to me of more consequence than that now, while the nations are at peace, and while the French are as yet uncapable of possessing all that vast tract which lies on the back of these Plantations, we should attempt to make some settlement on the Lakes, and at the same time possess ourselves of those passes of the great mountains which are necessary to preserve a communication with such settlements."

There spoke the first great expansionist. In that letter to the Lords of Trade was sounded the first key-note of English-speaking empire in the western world. We may describe Spottswood's scheme with a paraphrase of the words of a later empire builder: "From the ocean to the Lakes — all that for England!" But it was not for him to realize the splendid dream. The ears of the Lords of Trade were heavy, and they did not hear. Meantime animosities against Spottswood arose and thickened. His benefactions to the College of William and Mary, and his efforts to christianize

the Indians, did not save him from ecclesiastical enmities, which finally forced him from the governorship. Six years after his epoch-making ride through the gateway of the Blue Ridge he was removed from office. But his love for Virginia endured, and he remained a resident of that colony. He became colonial postmaster in 1736, and in 1739 was selected to lead the forces which it was intended to despatch for the conquest of Florida, — a work which to him would have been most welcome. But he died in 1740, with that work undone, leaving his last home to be, a generation later, the scene of the surrender of Cornwallis.

His imperial plans, as prudent and as timely as they were ambitious and aggressive, were held in abeyance, to be executed later at fearful cost, the usual penalty of neglect. They were finally revived and pressed to execution by another Virginian governor, who resembled Spottswood in only two particulars: He was a Scotchman, and he was an expansionist. If Spottswood was one of the best colonial governors, Robert Dinwiddie was assuredly one of the worst — after the infamous Berkeley, perhaps the very worst — the Old Dominion ever knew. Where Spottswood was bold as a lion, Dinwiddie was a poltroon. Where the one was honorable, honest, and high-minded, the other was mean, unscrupulous, and base. Dinwiddie was as arbitrary and arrogant as Berkeley himself, capricious and avaricious, and he went out of office

under charges of oppression, extortion, and peculation, all of which were probably well founded. It was he who, first of all colonial governors, urged the arbitrary taxation of the colonies by England, the "taxation without representation" which was a few years later the rock upon which the British empire was split asunder. In justice to him, however, it must be remembered that the first taxes he thus urged were for the prosecution of colonial wars, and that he had some showing of justification for that proposal in the niggardly and incredibly short-sighted refusal of some of the colonies to supply the funds which were necessary for their own defence. In many of his characteristics Dinwiddie resembled what we might call a pocket edition of those later and greater empire builders, Warren Hastings and Cecil Rhodes, not only in their faults but also in their merits, or in the merits of their achievements. For it was to him that the fulfilment of Spottswood's high designs was eventually committed, and it was through his pertinacity that they were forced into execution.

The method of conquest chosen was the familiar one, especially in English history, of a chartered company. In the middle years of the eighteenth century numerous companies were formed for the exploiting of the transmontane regions. Only one of these calls for notice. It was known as the Ohio Company. It was a Virginian organization.

It was composed of Virginians, among its members being Augustine and Lawrence Washington, the father and brother of George Washington, and Thomas Lee. It was chartered by Virginia, under Virginia's interpretation of the Treaty of Lancaster, of 1744, giving to that colony all territory at the west, as far as the Mississippi River. The French interpreted that as meaning only the lands south of the Ohio River, — to wit, the present states of West Virginia, Kentucky, and Tennessee. But Dinwiddie, as avaricious of land as of pelf, insisted that it meant the lands north of that river too, all the way up to the Lakes, including western Pennsylvania, Ohio, Indiana, Illinois, Michigan, and Wisconsin — a goodly dominion, indeed! It was to secure that inheritance by actual possession that he sent the Ohio Company forth in the winter of 1750–51, across the mountains, into the valleys of the Ohio and Miami, to build a fort at the point where the Alleghany and Monongahela rivers unite to form the Ohio. These proceedings were authorized by Dinwiddie personally, and were again approved after the enterprise was well begun by an act of the Virginia legislature in February, 1752.

The venture did not pass unchallenged. Spottswood's plan had been to strike early, before the French were prepared to resist. It was now too late. The French were by this time prepared and alert. They promptly disputed and denied the

right of the Ohio Company to enter the territory north of the Ohio River, and warned it off as a trespasser. More than that, with the readiness and decision which marked the French administration of those days and which too often did not exist in the English government, at least in colonial affairs, France moved to make her protests and warnings effective with force and arms. Thus menaced, the Ohio Company appealed to Dinwiddie. In such a case Spottswood would probably have led an army across the hills without delay. Dinwiddie bade the pioneers stand firm while he sought aid from England. He did seek aid, but in vain. The English government would do nothing. Despite the earnest pleas of Townshend and others that it should make its ownership of the Ohio Valley effective, it contented itself with an academic expression of opinion that the territory in dispute belonged to Virginia. The practical enforcement of that opinion it left entirely to Virginia herself. Had it acted years before, on Spottswood's suggestion, it would probably have gained its ground without a serious blow. Had it acted promptly and resolutely in answer to Dinwiddie's appeal, it might have won at comparatively little cost. But it hesitated and dallied, and shirked responsibility, and thus, like all cowards, laid up for itself wrath against a day of wrath — in this case, one of the most dreadful days of wrath in history.

In this dilemma, menaced by France and practically deserted by England, Dinwiddie displayed the two redeeming virtues of his generally contemptible character. He was indomitable in purpose, and he was shrewd to the point of inspiration in his choice of men. He again bade the Ohio Company to hold its ground, which was right and wise, and he selected as his right-hand man in supporting that company a young Virginia gentleman, hunter, and adventurer, of gentle English ancestry, named George Washington; which was probably the wisest and most fruitful thing he ever did. Washington, then just twenty-one years old, entered into the business with enthusiasm. His family, in the persons of his father and elder brother, both now dead, had been concerned in the organization of the Ohio Company. Lawrence Washington had indeed become, before his death in the summer of 1752, the chief manager of that corporation; and George's almost passionate love for him naturally inclined him strongly to take up his work and press it to completion. George Washington had already, on his own account, followed in the footsteps of Spottswood into the Shenandoah Valley, and was one of the most accomplished hunters, woodsmen, and frontier rangers of his time. Lord Fairfax well described him, in commending him to Dinwiddie, as daring, intrepid, adventurous, yet rich in prudence and the sense of responsibility.

Dinwiddie was glad to find such a man, and Washington was no less glad to get such a commission.

It was in the late fall of 1753 that Washington, accompanied by Jacob Van Braam, a Dutch soldier of fortune who had taught him the use of arms, and Christopher Gist, an expert frontiersman, and a number of servants, set forth on his momentous errand. He was commissioned merely to go in a diplomatic way to the outposts of the Ohio Company and thence to the headquarters of the French commander, to remonstrate and negotiate with the latter, and all the while to keep his eyes and ears open to learn all he could about the situation and the strength and plans of the French. All these things he did. He encouraged the English settlers. He ingratiated himself with many of the Indians. He visited Fort Le Bœuf and had an interview with the French commander, the gallant and accomplished Gardeur de Saint Pierre; and while the latter was writing a letter for him to take back to Dinwiddie, Washington took notes of the plan and condition of the fort. Then the little party returned to Virginia, through many perils and hardships, and Washington was the hero of the day in that colony.

The reply which Washington brought back from Saint Pierre was, however, a peremptory demand for the withdrawal of all the English from the

territory north of the Ohio River, and practically a notice that if they did not voluntarily and promptly withdraw they would be forcibly expelled. Washington had known this when he left him, and although the two had parted in friendship they had both realized that they were upon the verge of a struggle to the death. Washington had also made this report to the English pioneers at Pittsburg, who had thereupon hastened the completion of their fort and their preparations for war. On reaching Virginia, therefore, Washington told Dinwiddie plainly that there was nothing to be done but to abandon the territory north of the Ohio, or to fight for it. In the face of such a crisis, Dinwiddie showed himself for the moment as resolute as Saint Pierre. He decided not to retreat; to fight if must be, but at any rate not to retreat. Accordingly he began to prepare for a conflict with all his energy and with all the resources of his colony. Meantime he again appealed to England for aid, and to the other colonies. The English ear proved to be as deaf as before, and the colonies were more ready with good wishes than with men or money. Most of the aid they would give was offered on terms unacceptable to Virginia or to Dinwiddie. Thereupon Dinwiddie, driven to the wall, desperately determined to force the hand of the English government. He would kindle a fire which

might scorch his own house, but which the English government would simply be compelled to extinguish.

In such a Berserk venture as was now proposed, Spottswood would himself have led the van. That was the last thing Dinwiddie would do. Probably it was well that he did not, being by no means fitted for it. But he did far better. He turned again to Washington, and commissioned him as the knight-errant of imperial expansion. Before, he had sent him with only two comrades, on a peaceful errand; now he would send him at the head of a substantial fighting force. So Washington was promoted from the rank of major to that of lieutenant-colonel, in a regiment of which Colonel Fry was the commander. After annoying delays, Washington finally set out on April 2, 1754, with two incomplete companies, leaving Colonel Fry to follow with the rest of the regiment as soon as the stupid and cantankerous colonial government should make it possible for him to do so. He had with him only 150 men, who were frankly described as "self-willed and ungovernable," and who had probably been selected because of those very qualities, as well fitting them for the desperate undertaking before them. He headed straight for Pittsburg, where a little company under Captain Trent was supposed to be holding out against the menace of the French advance. Half-

way thither, however, he was met with the news that the French had come down in overwhelming numbers and captured the place without firing a shot, and had packed all the English back to Virginia. A less resolute man in those circumstances would have returned, or at least have halted and waited for further instructions. Not so Washington. The disastrous news served only to hasten him forward. His original plan had been to go to the fort at Pittsburg, complete it, man it, defend it, and "to make prisoners, kill, or destroy all who interrupted the English settlements." Now the fort had fallen. He would therefore go on and recapture it if possible, and at any rate carry out the remainder of his programme, dealing sternly with all who stood in the way. Truly, it was an iron hand that the English colonists were thrusting forth into the wilderness. This expedition of Washington's was scarcely larger than the merry hunting party which Spottswood had led through Swift Run Gap a generation before, and its ultimate aim was the same, but years of fatuous delay had made the circumstances and the actual work in hand far different.

The goal was not now the banks of the Shenandoah, but the headwaters of the Ohio. It was not the languid season of autumn, but that of opening and inspiring spring, when the blood of the warrior quickens for battle as that of the lover

for love. It was a hunting party, but the game was not grouse and pheasants but Frenchmen and their Indian allies. It was in May, 1754, that Washington and his little party reached Great Meadows, near the Monongahela. He was tremendously in earnest. He was angry with the Virginia Assembly for not having sent Fry on with more troops, and for not rising to the needs of the occasion. Whether or not he appreciated the danger of his own position does not appear. At any rate he showed no fear, and his wrath against the Assembly was not for failing to support him, but for failing to care for the interests of the colony. His fighting blood was up, with a premonition of the spirit which cowed the traitor Lee at Monmouth and which triumphed over both man and nature in the unrivalled victory at Trenton. He had come thither to fight, and he welcomed the prospect. The chosen place was, in his own words, "a charming field for an encounter." His heart was as light and confident as was Spottswood's in his picnic revelry on the banks of the Shenandoah, and he welcomed the approach of the French forces with which he was to contend for the mastery of an empire. Indeed, he grew impatient for their arrival, and pushed forward to meet them.

It was on May 28 that the actual impact came. Tradition tells us that Washington not only gave the command to fire but himself set the example

with a musket, firing the first shot in the engagement. It was a small skirmish. In fifteen minutes all was over. Ten Frenchmen were killed and twenty-one captured, and Washington had won his first victory in war. But that was not all. That musket shot of Washington's was not merely the first in the little battle of Great Meadows. It was as truly as that at Concord Bridge a "shot heard round the world." It was the first shot in that mighty Seven Years' War which set the whole civilized world aflame, transformed the maps of two continents, and decided irrevocably the destiny of North America.

Washington was the victor at Great Meadows. But his little force was far too feeble to hold its ground. The French and their Indian allies came pouring down upon him in overwhelming numbers. He was thrown upon the defensive, completed Fort Necessity at Great Meadows, and made a brave stand against a foe that outnumbered him four to one. Unfortunately, too, he did not listen to the advice of friendly Indians nor make the best use of the aid they offered him. Happily for him, the French were afraid of him and had no desire to fight if they could get rid of him in any other way. So, after some desultory skirmishing, the French sought a parley, and offered to let Washington and his men march away with their arms and banners, without the humiliation of a surrender, on the sole condition that they would not return to

the Ohio for at least a year. Washington promptly accepted these terms, being out of provisions, knowing he was not strong enough to fight, and realizing that it would take at least a year to prepare an expedition strong enough to conquer the country. So he marched back to Virginia, and that campaign was over; upon which the most pungent and not the least true comment was that of the Seneca chief, Thanacarishon, the friend of Washington, to wit, that "the French acted like cowards and the English like fools."

Thus the great war began. In America it was the French and Indian War; in Europe it was the Seven Years' War. Of a truth, the expansionist governor of Virginia had kindled a flame which it would take mightier hands than his to extinguish. They must extinguish it, too, or it would roll through the mountain passes down to the sea and consume in its fury the English coast settlements, just as it quickly did those on the Ohio and the Miami. For immediately after Washington's evacuation of Fort Necessity the French completed their work. They fulfilled to the letter Saint Pierre's menace to Dinwiddie. Every English settler who did not hasten to leave the territory north of the Ohio was driven out, or slain. More than that, the same process was extended to the territory south of that river, which had formerly been conceded to the English. Before the end of the year there was not an English

settlement nor an English flag west of the Alleghany Mountains. In all that mighty region, from the Alleghanies to the Rockies, and from the lakes to the Gulf, there was no flag but that which flaunted the triumphant lilies of France. So England herself was roused to enter the struggle. Braddock marched to his fatal field. Wolfe scaled the Heights of Abraham, to conquer and to die. The English colonists were roused, too, and from Maine to Georgia learned the art of war. And in the end, after one of the costliest wars in all that century of slaughter, the English flag became as supreme in the Ohio Valley as the French had been. More than that, it replaced the French flag in Canada. The French territories at the mouth of the Mississippi and between that river and the Rocky Mountains were transferred to Spain. And while at the beginning of the war France owned the largest part of North America, at its close she did not possess one single inch of land upon the continent. The result of Spottswood's picnic, of Dinwiddie's mixture of stubbornness and rashness, and of Washington's command to fire at Great Meadows, was that the English coast strip was widened to the Mississippi, and was lengthened to the Arctic Sea. There was no longer any question as to racial dominance on the North American continent. The only question now was whether the empire thus secured for the English-speaking race should

remain under the English crown, or should become an independent realm. The answer was not long postponed. It came in 1776, and was completed in 1783. It was, moreover, largely dictated by those very processes of winning the Mississippi Valley for England. In the work of winning that region the seeds of England's loss of it were sown.

Those seeds were several, and were varied. It was to meet the expenses of that war that England adopted the fatal policy of levying taxes at her own will upon her colonies. That was one of the prime causes of colonial discontent and ultimate revolt. Another was that the English government at the end of the war arbitrarily annexed the region north of the Ohio to Canada, instead of to Virginia. She did so on the ground that it had been a part of the French province of Quebec, and therefore should retain that connection when both it and Quebec came under her rule. But Virginia never admitted either that it had belonged to Quebec or that the English act thus annexing it was valid. She had sent Washington to take possession of it on the strength of the Treaty of Lancaster, which, she insisted, gave it all to her, and in that claim she was supported by the other colonies. Again, the colonies in the French and Indian War learned how to fight, and how to rely upon themselves. They learned to turn away from the shore and from their dependence upon the sea and the aid and safety the sea might bring

them, and to see that they were now the possessors of a domain continental in extent and sufficient unto itself in independence of all other lands. They remembered that at the beginning of the war England had refused to aid them in winning the near west, or even in safeguarding their own boundaries, while at its close she deprived them of the legitimate fruits of victory, and they took to thinking that if thus they were to be thrown upon their own resources whenever it pleased the mother country, they might as well rely upon their own resources all the time, and themselves secure the results of their labors. Finally, that war gave them leaders in both war and statecraft. It was one of the most impressive turns of fate that the very man who fired the first shot in winning the empire for England should be the leader in wresting it from her again, and that the old home of the man who first dreamed England's dream of empire in North America should be the scene of the final and irrevocable waking from that dream.

CHAPTER II

SECURING THE OPEN DOOR

The War of the Revolution was chiefly fought, for obvious reasons, in the Atlantic littoral. There were the masses of population, the organized governments, the industries, the fortifications, the ports at which the English troops must land in their campaign of attempted repression. We have seen, however, that the region beyond the mountains played an important part in the processes and the influences which led to the war. It was also the scene of some of the operations of that war, minor from the military point of view but decidedly major from the point of view of the nation-building statesman, and in the final settlement of the issues and results of the war it held a paramount place. Upon it turned the whole question of peace-making. Upon it was based and according to its disposition was framed the treaty which restored peace and secured for the United States universal recognition as an independent and sovereign power.

Especially were these things true of the region north of the Ohio River. That south of the river, composing the states of Kentucky and Tennessee,

was not so much the subject of controversy. As we have seen, it was, prior to the Seven Years' War, practically conceded to the English colonies by France, though during that war it was seized by her in revenge for the English invasion of the country north of the river. At the end of that war it was restored to English rule and occupancy, whereupon England unhesitatingly assigned it to the colonies, to wit, to Virginia and North Carolina, upon which it directly abutted at the west. While she tried to deprive the colonies of the territory north of the Ohio by annexing it to Canada, she left that south of the Ohio to the colonies, and it was therefore a matter of course, never seriously questioned by England, though it was by Spain and France, that the southern country should share the fate of the coast colonies. If the latter won their independence, Kentucky and Tennessee would belong to them. This understanding was greatly strengthened by the course of affairs between the Seven Years' War and the Revolution, when settlers from Virginia and the Carolinas flocked into Kentucky and Tennessee in great numbers. Indeed, such invasions and settlements were made on a considerable scale at an earlier date. In 1748–1750 Dr. Thomas Walker, of Virginia, discovered the Cumberland River, the Cumberland Mountains, and the Cumberland Gap, and gave them the names which they still bear, in honor of that duke who was the "proud Cumber-

land" of Culloden and the "bloody Duke of Cumberland" who won fame in defeat by his mighty stand against overwhelming odds at Fontenoy. Christopher Gist, who was Washington's companion in his first visit to the Ohio Valley, explored the Kentucky River in 1751. Daniel Boone, of Pennsylvania, became a mighty hunter in Kentucky in 1769.

From those years down to the Revolution other explorers, hunters, and settlers entered those regions and occupied them to such an extent that by June, 1778, they considered themselves numerous enough to be entitled to political recognition. Accordingly on June 8 of that year they held a convention and elected two delegates to the Colonial Assembly of Virginia, and sent them to Williamsburg, the Virginian capital, with a petition for the incorporation of Kentucky into the colony of Virginia as a new county. These delegates reached Williamsburg just in time to find that the assembly had declared its independence of England and had adjourned. Thus balked in their mission, they waited until the next session of the assembly, only then to be denied seats in it. However, on December 8 of that year the assembly did finally incorporate the western part of Kentucky as a county of Virginia, just six months after the Kentucky convention. The Kentucky delegates then returned home.

One of these delegates was George Rogers

Clark, a notable figure in the history of American expansion, and a remarkable combination of hero and knave. He came of a good Virginian family, and was well educated, but his practical training in warfare and public services had not been of the best character. He had been a companion and in some respects a pupil of the famous or notorious Michael Cresap. The latter, a Marylander, had settled on the Upper Ohio at the end of the Seven Years' War and had figured conspicuously in Lord Dunmore's war. Of his patriotism, valor, and prowess there was no question, and some of his services were of great value. But he was ruthless and cruel, and whether deservedly or not incurred the reproach of some acts of sheer savagery. Clark was morally superior to Cresap, at least in this early part of his career, and was not his inferior in strength and courage. In personal appearance he was a stalwart blond giant, and in spirit he was adventurous, resolute, fearless, and ambitious. It is not infrequently the case that a man who dwells much in the forest or the desert, and thus communes with Nature in her vast and wild aspects, becomes imbued with ideas at once gloomy and grandiose. So it was with Clark, always a dreamer and schemer. On his way home to Kentucky, by way of the Ohio River, he brooded amid the solitudes of the great wilderness upon mighty themes — the Declaration of Independence, the prospect of creating a new nation, the

possibilities of extending the borders of that nation almost illimitably to the north and west. The dream of empire possessed him, and he cherished it, at once with the adventurer's daring and with the mathematician's calculation (he was a surveyor by profession). So he conceived on that journey the enterprise which made him famous, and in the completion of which it would have been well for his fame had he perished. He saw that if the colonies succeeded in winning their independence from England, it would be essential to their peace and progress that they should possess the territory at their backs, between the mountains and the lakes. Every reason that required England to wrest that country from France now required the colonies to win it from England.

Self-contained and self-reliant, Clark kept his own counsel until the time was opportune and his ground was sure. All through the spring and summer of 1777 he brooded and planned and investigated. He sent two young hunters north, along the Wabash and to the old French settlements in Illinois, to "see how the land lay" and to report to him all they could learn, though not even to them did he impart an inkling of his real purpose. Finally, with the ground thus fully surveyed and with his whole campaign mapped out, he bade his neighbors adieu, and in the fall of 1777 set out again for Virginia. His fellow Kentuckians supposed he was merely going to enter the colonial

army. Instead, early in December, he went to Patrick Henry, then governor of Virginia, and unfolded to him his scheme of invading and conquering the Northwest Territory. The time seemed propitious. Burgoyne had been defeated and captured at Saratoga, and the Americans were flushed with confidence. One bold blow was all that was needed, and all the land to the Great Lakes would be won.

But there were difficulties in the way which daunted even Henry's fiery spirit, though never Clark's. The matter ought to be laid before the legislature, for authority and for the granting of supplies. Yet that would be fatal to success, for it would probably mean delay, and it would almost certainly mean a sacrifice of that secrecy which was essential to success. Once the scheme got to British ears, a redcoat army would be rushed into the territory. But Clark rose superior to all such considerations. He cared little about authorization. The word of the governor, a little ready money, and some promises of reward contingent upon success, were all he asked. Promptness and intrepidity were far more essential than acts of legislature and formal appropriations. In the end, Henry was won over to Clark's view. A hurried council of five was held: Henry and Clark, with Thomas Jefferson, George Mason, and George Wythe — a secret syndicate of expansionists. Clark's proposals were approved. A fund

of twelve hundred pounds in colonial paper money was raised, and Jefferson, Mason, and Wythe promised to use their influence to secure an ex post facto grant of three hundred acres of land in the conquered territory for each member of the expedition.

As for authorization, that was not lacking. Henry was competent to give it. The Virginia constitution of 1778 declared that "the governor of this state for the time being shall be commander-in-chief of the army and navy and all the military forces of this state, by sea and land, and shall have full power . . . to lead and conduct them, and with them encounter, repulse, repel, resist, and pursue, by force of arms . . . within and without the limits of this state, and also to kill, slay, destroy, if necessary, and conquer, by all fitting ways, enterprise, and means, all and every such person as shall at any time hereafter, in a hostile manner, attempt the destruction, invasion, detriment, or annoyance of this state." Surely that was sufficiently comprehensive. If the territory north of the Ohio belonged to Virginia, Henry had a right to send troops to expel the invaders. If it did not belong to Virginia, he had a right to send troops outside the state, into a foreign land, to conquer or destroy all who threatened the borders of Virginia with annoyance. Thus early did the founders of the Republic recognize and declare the right of foreign conquest when necessary for the safeguarding of their own land.

Henry, however, did not give Clark merely an order of campaign. He gave him two separate and distinct orders, one public and the other secret and confidential. The public order directed him to return to Kentucky and make necessary preparations for its defence. That, openly proclaimed, soon got to English ears and deceived the English commanders as to Clark's real purpose. The secret orders, dated at Williamsburg, January 2, 1778, ran as follows: —

"You are to proceed with all convenient speed to raise seven companies of soldiers, to consist of fifty men each, officered in the usual manner and armed most properly for this enterprise; and, with this force, attack the British post at Kaskaskia. It is conjectured that there are many pieces of cannon and military stores to a considerable amount at that place, the taking and preservation of which would be a valuable acquisition to the state. . . . During the whole transaction you are to take especial care to keep the true destination of your force secret; its success depends upon this. . . . It is earnestly desired that you show humanity to such British subjects and other persons as fall into your hands. If the white inhabitants will give undoubted evidence of their attachment to this state (for it is certain they live within its limits), by taking the test prescribed by law, and by every other way and means in their power, let them be treated as fellow citizens. . . .

But if these people will not accede to these reasonable demands, they must feel the miseries of war."

With these letters in his pocket Clark was, he said, clothed with all the authority he could wish. Accordingly he set out, on February 4, 1778, on his momentous mission. It was a crucial time. It was the winter of Valley Forge. The pitiable remnant of Washington's army was suffering martyrdom. The Continental Congress was at its nadir of incompetence and irresolution. Lee had tried his worst to betray the country. The infamous Conway and his scurrilous crew were likewise doing their worst, while Gates, wearing the laurels won by Schuyler and Arnold at Saratoga, was letting vanity, jealousy, and ambition draw him to the very brink of treason. The American cause was in a desperate plight, and sorely needed revival through some heroic stroke such as that at Trenton a year before. That stroke was to be given by Clark's little forlorn hope, in the far western wilderness. It was, of course, impossible to look to Washington or to any of the forces east of the mountains for aid. Not a man could be spared there. So Clark recruited his companies from among the hardy frontiersmen of Kentucky and West Virginia — as many as he could. He had indeed been directed by Henry so to do. After weeks of effort he found it impossible to raise the seven companies, or 350 men, authorized by Henry. The population of those regions was

sparse, and it would not do to withdraw from home all the able-bodied men, lest the settlements be defenceless against Indian raids. He succeeded at last in getting together some 200 men. Of these he took only 150, to whom a score more were added as he made his way down the Ohio Valley toward the place of final embarkment upon that river. That place was at the Falls of the Ohio, now marked with the city of Louisville. It was on June 24 that he put his men aboard the boats and started downstream. At the moment of embarkation there was an eclipse of the sun. Some of his men regarded it as an evil omen. Clark, playing upon their superstition, assured them it was on the contrary a good omen, seeing that there was darkness for only a few moments and then the full brightness of the sun again. Thus reassured, the little expedition pursued its memorable way, while Clark was doing some hard and fast thinking concerning his plan of campaign.

His instructions were to go to Kaskaskia. But he had planned to capture Vincennes on the way thither. He was a man wont to interpret orders according to circumstances. Soon after leaving the Falls of the Ohio, however, he learned to his dismay that Vincennes had been so strongly reënforced that it would be madness to attack it at that time with his few men. There seemed nothing to do, therefore, but to obey orders and go on to

Kaskaskia. But if he did so, he would be leaving the garrison of Vincennes behind him to cut his lines of communication and isolate him. That would never do, unless he could strike Kaskaskia quickly and get back in time to save his lines. Upon this desperate course he decided. He pushed on to Kaskaskia with all possible speed, and on the auspicious Fourth of July captured it without a blow. The commander, garrison, and people there were almost entirely French. They had meant to be loyal to England, but they were completely overawed by the advent of Clark and his frontiersmen, whom they considered far more formidable than so many painted Indians. When they found Clark was as humane as he was daring, they took the oath of allegiance to Virginia, and were ready themselves to organize for defence against the English. Thus easily and satisfactorily was the capture of Kaskaskia effected. Had Clark then slavishly followed instructions, he would have settled down in a fortified post on the Mississippi, and probably soon have been besieged and captured by the English. But he was not that kind of man.

There was need of immediate action, and of action dictated by circumstances on the spot. The English commander at Detroit was Henry Hamilton. He was bold, ambitious, energetic, unscrupulous, and cruel — a formidable antagonist. He had, moreover, much influence over the Indians,

and had formed an alliance with them and organized them against the colonists. He was planning to attack Fort Pitt, at the head of the Ohio, when he heard that Clark was audaciously taking the aggressive on the lower reaches of that river. Forthwith he hastened in person down to Vincennes, on the Wabash, leaving Detroit on October 7, with 500 men, white and red. At Vincennes he roused the Indians and sent them against Clark and all Americans, offering rewards for American scalps but none for American prisoners. In a short time Clark seemed to be surrounded in the wilderness by hostile and savage bands, and cut off from all aid from Virginia, even had any been sent. His destruction seemed certain. But that daring and resourceful man was equal to the emergency. He had increased his force somewhat by recruiting at Kaskaskia and elsewhere. Part of his men he put into fortified posts. A small company, under John Rogers, he put at the mouth of the Wabash, with orders to let no enemy pass. Then, with only 130 picked men, he struck across country, through the woods, straight for Vincennes. That place was at the time, he learned, lightly garrisoned, most of the English troops and Indian levies being out in the woods, ranging the country in quest of Clark himself. The Wabash was in flood, surrounding the town with a temporary lake, and to that Vincennes trusted for protection. Hamilton did not

realize that Clark and his forest rangers were amphibians!

Such was Clark's opportunity, and masterfully did he improve it. Speed and stealth were the order of the day. For two days the men went without food, though in a forest filled with game, fearing lest a musket-shot might warn the English of their approach. Presently they came to the "drowned lands," and for miles marched through water waist deep, in some places shoulder deep, and it was midwinter. On February 23 at dusk they reached dry land. There was no time for resting and for building fires at which to dry their wet and freezing clothes. Vigorous action would dry them better than anything else. Without a moment's delay they displayed themselves, so arranged as to appear like an army, and then, with a summons to surrender, moved forward upon the town of Vincennes, to the amazement and consternation of the people. There was no resisting men who had come through that wintry flood, and the town surrendered without the firing of a shot. The fort, where were Hamilton and his soldiers, was adjacent to the town. Clark was careful not to let news of his arrival get thither until he was ready to fight. But that was very soon. Before midnight he had a line of rifle pits and rude intrenchments around the fort, and opened a harassing fire upon it. In the morning he sent a note to Hamilton, couched in these peremptory words:—

"In order to save yourself from the impending storm that now threatens you, I order you immediately to surrender yourself, with all your garrison, stores, etc. For if I am obliged to storm, you may depend on such treatment as is justly due to a murderer. Beware of destroying stores of any kind, or any papers or letters that are in your possession, or hurting one house in town, for, by heavens! if you do, there shall be no mercy shown you."

This was intemperate language, but was probably justifiable, for Hamilton had infamously violated the laws of civilized warfare in inciting his Indian levies to the murder of non-combatants, including women and children. What is certain is that Hamilton was panic-stricken, fearing that he would be summarily dealt with for his crimes. He replied at first orally and then in writing, seeking terms. But Clark would listen to nothing but unconditional surrender. Finally, in the middle of the afternoon, Hamilton agreed to surrender himself and his whole command, as prisoners of war, giving as his reasons for so doing, "the remoteness from succor, the state and quantity of provisions, the unanimity of officers and men in its expediency, the honorable terms allowed, and the confidence in a generous enemy." The next day the surrender was effected, and the English soldiers were released on parole, while Hamilton and the other officers were sent as prisoners of war to Kentucky

and thence to Virginia. A few days later forty men with supplies for the fort were captured by Clark as they came down the Wabash. Thus the conquest of Vincennes was completed, with cost to the Americans of only one man slightly wounded.

Had Clark been reënforced, as he expected to be, he would have pushed on to Detroit and have taken Canada in flank. But that was not to be. A regiment was organized for his aid, under Evan Shelby, but was diverted to good work elsewhere. So Clark, acting under the orders of Jefferson, who was now governor of Virginia, went on to the Mississippi River and built Fort Jefferson, just below the mouth of the Ohio, in the spring of 1780, thus establishing the American claim to that great river. Nor was that the only American post on the Mississippi. At the very time when Clark had set out for Kaskaskia, in February, 1778, a smaller party of adventurers went from Pittsburg down the Ohio and the Mississippi, in boats, as far as Natchez, where, on February 18, they raised the American flag and proclaimed possession of the country in the name of the United States. Spain, whose territories they were thus invading, took little notice of them at the time; they seemed too insignificant; but later she strenuously though vainly protested against their act and its results.

In such fashion did the thirteen colonies, in the midst of the throes of the Revolution, enter into practical possession of the goodly "hinter-

land" which they had helped England to wrest from France. Thus did they fasten open, for themselves and for their posterity, that door of empire through whose crevices Spottswood had peeped and at which the young Washington had knocked so rudely. Thus did they expand their coast strip westward to the Mississippi River, claiming, and promising to make good their claim to, the whole continent, from the Atlantic to the Mississippi, and from the St. Mary's River to the Great Lakes. Upon that goodly realm, with all its further potentialities, presently to be recognized as necessities, they maintained a masterful hold, until the capitulation at Yorktown and the ensuing Treaty of Paris confirmed it to them forever.

In the making of that treaty the chief point of controversy was the confirmation or repudiation of Clark's conquest of the region north of the Ohio River, and therein, after the first passage of words, curiously enough our ally was the very power with which we had been at war, while our chief foe was the power which had been our ally in that war. The English government displayed in the making of peace some of that wisdom which it so much lacked before and during the war. It realized that the colonies were lost to it forever. But it still held Canada and various West India islands, and it realized that if it was to hold these permanently and develop a large commerce with America, it would be far better for it for the colonies to possess

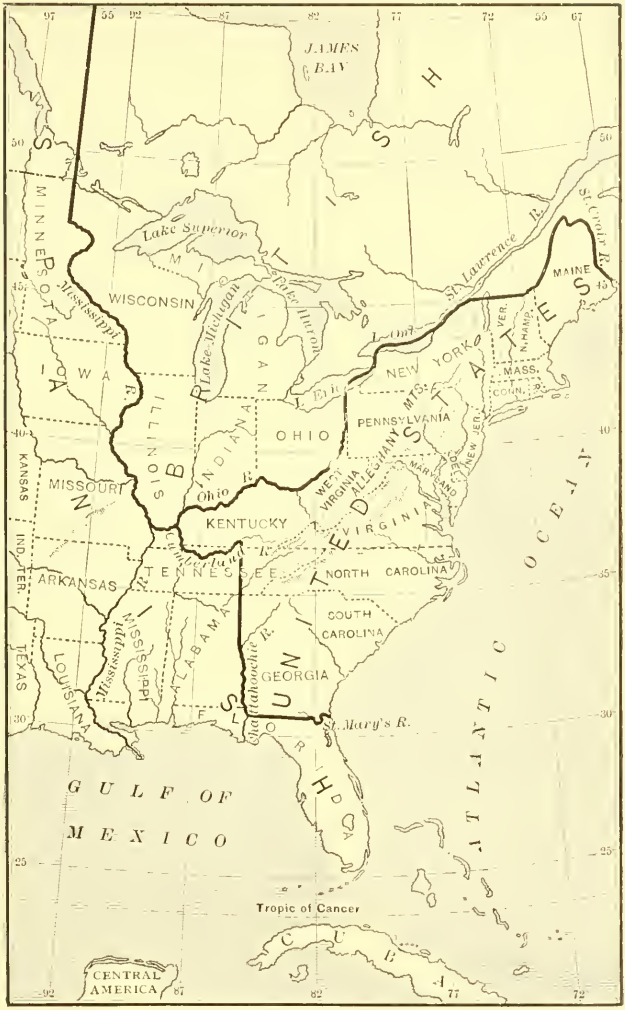
the Mississippi Valley than for France or Spain to have it. Indeed, it would be to its advantage to have the colonies develop themselves into a strong and extensive English-speaking nation, which would in time dominate the continent, rather than have them a stunted and feeble state at the mercy of France and Spain.

For those reasons England was inclined to make a treaty of peace on liberal terms. She first tried, naturally enough, to regain the territory north of the Ohio for herself. All south of that river she conceded unhesitatingly to the United States, but all north of it she wanted to retain, or to regain as a part of Canada. To that the United States would not listen for a moment. Its peace commissioners would not even discuss the matter. Franklin, the most conciliatory and least aggressive of them, when the subject was broached by the English commissioners, unhesitatingly replied, "No, sir! If you insist upon that, we go back to Yorktown!" Faced with such resolution on the part of Franklin, and knowing that his two colleagues, Jay and Adams, were if possible even more determined upon that point, the English government gracefully yielded and practically signified its willingness to surrender the whole eastern half of the Mississippi Valley, up to the lakes, to the United States. Botta, in his "History of the American War," strangely says that this agreement "brought within the territory of the United

States immense countries, lakes and rivers, to which, up to that time, they had never pretended any sort of claim." As a matter of fact, the United States had ever since the Seven Years' War explicitly and strenuously claimed it all.

The treaty was not, however, to be made simply between England and the United States. Had such been the case, it would speedily have been concluded in satisfactory fashion. But France had to be consulted. She had been our ally in the war, and was supposed to be our sincere friend. Accordingly it was agreed that the United States should not sign a treaty with England until France and England had also come to terms. Moreover, Congress, believing in the disinterested friendship of France, and having an exalted opinion of the wisdom and astuteness of French diplomats, categorically instructed the three American commissioners to be guided and governed by French counsels in all the negotiations. Truly, America has cause to thank God that her commissioners had the sense and manhood, when it came to the sticking-point, to disobey and violate those instructions! For France was strongly opposed to the granting of the American claims to the territory beyond the Alleghany Mountains, and Spain, between whom and France a working understanding existed, was still more bitter against us.

Spain particularly wanted to keep the United States shut away from the Mississippi River, so



THE PARTITIONING PROPOSED BY SPAIN AND FRANCE IN 1782-83.

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that she might herself have a monopoly of that stream. She proposed that all the territory south of the Ohio River, excepting perhaps West Virginia and the eastern parts of Kentucky and Tennessee, be given to her, and all north of it to England, thus leaving the United States bounded by the Chattahoochee, Cumberland, and Ohio rivers. She also urged that England should retain for herself Rhode Island or some other point of vantage midway on the American coast, cutting the coast-line of the United States into two; which latter suggestion England indignantly rejected, on the ground that it would involve her in breach of faith. France agreed with Spain as to the disposition of the inland territory. She did not venture to ask for a retrocession of it to herself. That would have been too much of an affront to England, and would have aroused the vigorous opposition and resentment of that country. But she urged earnestly that England should take for herself, as a part of Canada, all the territory north of the Ohio River.

The explanation of this treacherous and hostile attitude of the power which had just been our ally is not difficult to discern. Lafayette and other individual Frenchmen had been and were unquestionably sincere and disinterested friends of America. The French government was not. On the contrary, it regarded America with the same traditional animosity that it cherished toward England,

and it entered into an alliance with us and gave us material aid, not because it loved America, but because it hated England and reckoned that to be the surest way of striking her a deadly blow. What would have suited France best would have been for England and the United States to fail to make terms of peace, to resume the war, and to keep on fighting until both were exhausted and ruined, and France was thus enabled to regain her American empire. Botta's opinion was that "though France would rather see America independent than reconciled with England, she relished the prospect of a long war between them still better than independence. Perhaps, even, she would have liked best of all a conquest by dint of arms, and the consequent subjugation, for, upon this hypothesis, the English colonies, ravaged and ruined, would have ceased to enrich the mother country by the benefits of their commerce in time of peace, and in time of war the English would no longer have found in their colonists those powerful auxiliaries who had so often succoured them with so much efficacy." It was thus that the French government delayed allying itself with the colonies, or giving them important aid, until late in the day, when it saw their victory was assured without it. We must also remember that in December, 1777, the secretary of the French king's Council of State frankly declared to the United States, in the name of the king, that if the king gave aid

to the colonies, he would do so "not pretending to act solely with a view to their particular interest, since beside the benevolence he bore them, it was manifest that the power of England would be diminished by the dismemberment of her colonies."

It is not necessary here to rehearse the whole tortuous story of France's efforts to betray the United States in those negotiations. Her chief aim seemed to be to prevent so large a portion of the continent being surrendered to the young Republic. With a prophetic eye she saw that American access to the Mississippi River would in time mean American control of that river, and that in turn would lead to American conquest of the whole continent and American dominance of the Western hemisphere. She also saw in future the secret treaty of San Ildefonso. So on the one hand she strove to dissuade the American commissioners from insisting upon having the territories beyond the mountains, and on the other tried to persuade England to insist upon retaining the northern part of it for herself and giving the southern part to Spain, from which latter France could presently get it for herself. Failing that, she deliberately delayed and embarrassed the negotiations to the utmost of her power, aiming to convince the United States commissioners that the only way to make peace lay through acceptance of her terms. It was a pretty trick, but it

came hopelessly to grief and, to apply a French saying, the engineer of it was hoist with his own petard.

For in these trying circumstances the patriotic statesmanship of John Jay rose to a supreme and triumphant height. He read the tangled lines of the French conspiracy with the eye of a master. He saw that he could make satisfactory terms with England if France were left out of the bargain, and could even force France to accept and approve those terms. True, there were those instructions of Congress in the way. But what were they in comparison with the welfare of the nation? Instructions were made, or unmade, to serve the nation, not to be its master. So Jay resolved to break orders. He laid his plan before Franklin, who was almost shocked, and at first entirely disapproved it. "Would you break your instructions?" asked Franklin. "Yes!" cried Jay, "as I break this pipe!" And taking the long clay "churchwarden" from his lips he dashed it into fragments in the fireplace.

Franklin, however, still hesitated. It would be a serious matter, he thought, to disobey Congress, under whose authority they were acting. Moreover, it would grieve and offend France, whom he regarded as America's truest friend. It is not to be wondered at that Franklin was inclined to take such a view of the situation. He had long been a resident of Paris, and had there been the recipient

of innumerable flattering attentions. If thus he was too much under French influence, and was in a measure blinded to the real designs of France, we may well pardon that "last infirmity of a noble mind." But Jay was resolute. As soon as he could see Adams, when the latter came over to Paris from The Hague, he laid his plan before him. The fiery New Englander, who had a few years before expressed impatience with Washington because of his "Fabian tactics," instantly approved it and urged it upon Franklin with as much earnestness as Jay himself had shown. "It is glory," he afterward declared, "to have broken such infamous orders!" Thus pressed by both his colleagues, Franklin yielded. He would stand with Jay and Adams in defying Congress and in making terms with England without further consulting the French government.

That course was thereupon pursued. Nor was that all. The French government was not only ignored. It was kept entirely in ignorance of what was going on. The French minister, Vergennes, supposed he had brought affairs to an *impasse*, where all negotiations were suspended, and where there was a probability that the American commissioners would presently withdraw altogether and report the failure of their efforts. Yet at the very time when he was secretly exulting in such marplotry, the American and English commissioners were amicably framing the treaty of

peace and actually signing it. His first intimation of anything of the sort came to him when the completed and signed treaty was laid before him for his approval, which, in such circumstances, it was impossible for him to withhold. Great was his amazement, and no less were his chagrin and wrath, at thus finding that the negotiations which he thought he had blocked had actually been carried to a successful conclusion over his head, and that America had gained every point which he had so strenuously opposed. True, it was stipulated, as a matter of form, that the treaty should not become operative until it had been approved by France. But in those circumstances it was impossible for France to do otherwise than to approve it, or at least to assent to it, no matter how reluctantly or with how bad a grace. Her hand had been effectively forced by the very men whom she thought she could use as her puppets. Vergennes assumed an air of injured innocence and strove austerely to rebuke Franklin for his "inexplicable conduct." Franklin replied in a letter that showed him more than a match for the Frenchman in tact and diplomatic shrewdness, while of course France's secret understanding with Spain for the practical spoliation of America made her protests against alleged trickery and insincerity sound hopelessly hollow.

The simple fact was that France had tried to play the part of Iago. England and America

both stood in the way of her ambition, and she reckoned that whether England crushed America, or America hopelessly weakened England, or yet each ruined the other, any way made for her advantage. She had aided the colonies to secede and thus to weaken England. Her next move was to weaken the colonies by robbing them of their inland territories, and to embitter their relations with England so as to keep the two countries always foes and probably cause a renewal of war between them. In the latter designs she failed, and her purposes were actually worse baffled than they would have been had she never made the treacherous trial. The United States got all it claimed, and possibly even more than the minimum with which it would have been satisfied, and the relations between this country and England were at once made particularly cordial, while France was to a degree shut out in the cold by them both. In this great stroke of statecraft for the young Republic, the deed which made the future greatness of America possible, "Jay," wrote Madison, "has taken the lead; Adams has followed with cordiality; France has been dragged into it."

The result was of incalculable importance. It more than realized the dream of Spottswood of half a century before. It more than doubled the area of the young Republic. The original colonies east of the mountains, including their "prov-

inces" of Maine and Vermont, comprised less than 400,000 square miles. The territory between the mountains and the Mississippi, secured and confirmed to them by Jay's intrepid violation of stupid orders, comprised about 440,000 square miles. It now consists of the states of Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky, Tennessee, most of Alabama and Mississippi, a corner of Georgia, and one-third of Minnesota. Moreover, the magnitude and wealth of the region were rivalled by its strategic importance. It gave to the United States the whole of Lake Michigan, and a full frontage on Lake Erie, Lake Huron, and Lake Superior. More than that, it gave to this country the eastern bank of the Mississippi River from its source down to and below the confluence of the Red River. Such was the splendid domain secured at the very foundation of the Republic, and through the very treaty which first established our independence. Such was the foundation laid in colonial and revolutionary times, upon which the later edifice of territorial expansion has been erected. Our title to that domain was fivefold. First, there were the royal grants to the colonies, which nominally extended clear across the continent, but which were insisted upon by the colonies only so far as actual occupation was effected. Second, there was the settlement of Kentucky and Tennessee. Third, there was the forcible conquest of Illinois, Indiana, and Ohio. Fourth,

there was the success of the Revolutionary War. And fifth, there was the Treaty of Paris.

The Treaty of Paris was promptly ratified by the Congress whose orders had been so flagrantly violated in the negotiation of it, and the Confederation of states entered upon the possession of the western domain. Perhaps, we should say that the states, rather than the Confederation, did so. For there was as yet no nation, and there was no national domain. The region west of the mountains was largely claimed by individual states. At the time of the Treaty of Paris the division of territory was substantially as follows: New Hampshire, Rhode Island, New Jersey, Delaware, Pennsylvania, and Maryland had their present boundaries. Massachusetts had her present area, and in addition what is now the state of Maine, all of what is now New York west of Utica and south of Cape Vincent, the southern parts of Michigan and Wisconsin, and the northern part of Illinois. Connecticut in addition to her present area had a broad strip extending from Pennsylvania to the Mississippi River across the northern parts of Ohio, Indiana, and Illinois. New York had claimed, in addition to the eastern part of her present state, all of Vermont, the northern parts of Michigan and Wisconsin, and the eastern third of Minnesota, but in 1781, anticipating subsequent events, had ceded those western regions to the Confederation, thus laying the foundation of a

federal domain and setting an example of incalculable importance. Virginia had her present area, and also West Virginia, Kentucky, and the southern parts of Ohio, Indiana, and Illinois. She had, by the way, offered, in January, 1781, to give all her lands north of the Ohio River to the Confederacy, thus anticipating New York's cession, but the actual transfer was not made until 1784. North Carolina had her present area and Tennessee. South Carolina, in addition to her present state, had a narrow strip just south of Tennessee, running across the northern ends of Georgia, Alabama, and Mississippi to the Mississippi River. Georgia had her present area, excepting the South Carolina strip, and also Alabama and Mississippi north of the Florida line.

Beginning with New York on March 1, 1781, and followed by Virginia on March 1, 1784, state after state relinquished the western lands to the Confederation, and thus established a national domain, owned and administered by all the states in common. The importance of this action upon the development of a national spirit, national institutions, and the nation itself, is not easily to be overestimated. The common ownership of enormous properties was a strong bond of union, and a potent force, making for still more complete unification. The result of Clark's adventures and of Jay's strenuous diplomacy was, therefore, not only the acquisition of territory but the development of nationality.

It was even more than that. It in a measure shaped the fundamental policy of the nation that was to be. It was Virginia, under the lead of Jefferson, then her governor, that first offered to the Confederation the lands north of the Ohio. Later, when the cession to the general government had actually been effected, it was Virginia, also under Jefferson's lead, that moved for the establishment of an organized government over those lands. The Ordinance of 1787, for the government of the Northwest Territory, was one of the most important pieces of legislation made by the Congress of the Confederation. Daniel Webster doubted "whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character." George F. Hoar has declared that it "belongs with the Declaration of Independence and the Constitution" as "one of the three title deeds of American constitutional liberty."

These lofty estimates are not overdrawn. It was that ordinance that established the principle of congressional government of territories belonging to the United States but not yet incorporated into the Union, and that provided for the creation of states out of such territories, and for their admission into the Union. The ordinance also provided that after the year 1800 human slavery should not exist north of the Ohio River, a provision which formed the corner-stone of the free

state power of the North, and which half a century later led to results of vast importance. We have said that Jefferson was the author of the Ordinance of 1787. It was not adopted just as he would have had it. He earnestly urged the application of the antislavery clause to the territory south of the Ohio, too. Had his counsel prevailed, the slavery question would have been settled and disposed of at the very beginning of our national life. We may smile at Jefferson's fantastic proposals to call the new transmontane states by such names as Assenisipia, Metropotamia, Poloypotamia, Pelisipia, and Illinoia. They were survivals of his green and salad days when he habitually referred to his adored Belinda as "Campana in Die" — a polyglot pun almost deserving of capital punishment. But we must rank among the great glories of his career his strenuous support of Clark's conquest of the northwest, and his statesmanlike leadership in giving to that region a free republican constitution and in opening to it the doors of the Federal Union. Of a truth, expansion was well provided for, even before we became a nation. The possibility of ten new states was secured to us, and the transformation of the Confederation into a federal Union, and of the colonies into a nation, was irrevocably assured.

CHAPTER III

THE NATION FIRST ENTERS IN

The nation had "found itself." It was competent to possess and to improve the domain which had been gained for it by the early expansionists, from Spottswood to Jay. It had got rid of its early passion for clinging to the sea. It was ready to go in and possess the land. Immediately upon the conclusion of the Treaty of Paris the tide of pioneers and settlers which had already set westward was enormously increased in volume. Through every gap in the mountain wall it flowed in mighty streams. It was not long before new states began to be formed. Of those west of the mountains Kentucky was first of all, in 1792. That was only sixteen years after the first and futile attempt to secure for Kentucky organization and recognition as a county of Virginia. Four years later, in 1796, Tennessee also became a state. The identity and position of these two deserve attention. They were not the best land in the transmontane region. Ohio and Illinois have since grown into greater states. Nor were they the easiest to possess and to improve. But they had the supreme

value of strategic position. Whether the pioneer settlers realized that fact may be questioned. But there is an unconscious prescience that dominates fate and directs the destinies of nations. Of all the lands beyond the mountains, Kentucky was by far the most important at that time to the young and growing republic. It fronted on the Ohio River down to its mouth, and also upon the Mississippi River. In the erection of Kentucky into a state the Union first gained unbroken extension from the Atlantic to the Mississippi. The United States became a Mississippi River power. In the admission of Tennessee, four years later, the frontage on the Mississippi was largely increased, and was extended in the direction of the mouth of that river.

The commercial and industrial importance of this river frontage is obvious. In those days the railroad was not yet dreamed of, and even good wagon roads were few, especially across the mountain ranges. Communication between the east and west was therefore difficult. From the Ohio Valley to the Atlantic coast by way of the mountains was indeed a hard road to travel. The easiest route was down the great rivers and around by sea. The Ohio and Mississippi rivers formed the natural avenue of ingress and egress. Not New York but New Orleans was the seaport of the new states and of the territories which were rapidly growing into other states. It was a fine thing to

own the whole of the Ohio River. It was a fine thing to own the east bank of the Mississippi for two thousand miles and to have the right to navigate its waters for that distance. But that was not enough. In order to be served satisfactorily by that river, the western settlers must be permitted to navigate it freely to its very mouth, where they could connect with the high seas, and they must also have at or near its mouth a free port, at which the cargoes of their river craft could be unloaded, stored, and transferred to ocean-going vessels, and at which also the same processes could be reversed, between ocean-going ships and river craft.

The lower three hundred miles of the Mississippi, however, including both banks and the mouth, were in the hands of Spain, and the needed navigation of them and use of the port of New Orleans could be had only through permission of that power. And Spain was our enemy. She still cherished resentment against the whole Anglo-Saxon race for its intrusion into the Western hemisphere which she had claimed for her own. She realized that it was chiefly because of that intrusion that she had herself been so largely expelled and that she was in danger of entire expulsion. She cherished against the United States the accumulation of her ancient fury against Oxenham and Drake. She had, as we have seen, bitterly resented the American conquest of Illinois, perceiv-

ing in it a menace to her own territories in Louisiana and beyond the Mississippi. She had exerted all her influence upon France to keep the United States shut away from the Mississippi in the treaty of 1783. Having been beaten in those efforts by the adventure and daring of Clark and by the diplomacy of Jay, she spitefully determined to make our possession of those territories and our use of the Mississippi as uncomfortable as possible.

Another cause of friction with Spain and of discontent in the United States was found in the Yazoo Territory. In the Treaty of Paris it was stipulated that the southern boundary of the United States, between it and the Floridas, which latter England was about to return to Spain in exchange for the Bahamas, should begin on the Mississippi at the mouth of the Red River and run eastward along the thirty-first parallel as far as the Chattahoochee River. But a secret article in that treaty, known at the time to only England and the United States, provided that if England should retain possession of West Florida, the line should be drawn east from the mouth of the Yazoo River, in about latitude 32° 30′, or nearly a hundred miles farther north. Thus England and the United States indicated that each was quite willing that the other should have that valuable strip, which now forms much of the southern half of Mississippi and Alabama, but neither was willing

that Spain should have it. In time the secret clause became known to Spain, and great, and not unnatural, was her wrath thereat. There was actually talk of war, for which, however, Spain was hopelessly ill prepared. But the American government was flatly informed that Spain intended to hold that territory, claiming everything up to the Yazoo River. A strong Spanish garrison was maintained at Natchez. Americans were warned not to navigate the Mississippi below the Yazoo, and it was intimated that no further concessions for commercial privileges on the lower Mississippi would be granted until the United States withdrew from the territory below the Yazoo and formally relinquished it to Spain. For some years after the Treaty of Paris, Spain's policy concerning our use of the lower Mississippi was arbitrary and capricious in the extreme. Thus in 1783 she opened that river to us. In 1784, on learning of our secret compact with England, she rigorously closed it. In 1785 she opened it again, and again closed it against us in the same year. It was impossible to tell in advance whether a vessel starting down the river would be able to get to the sea or not. Presently she began a still more annoying policy. In 1787 the vessel of a Vincennes merchant was seized by the Spanish and confiscated, for trespassing in Spanish waters, and during the next year or two many such acts of aggression were committed.

It was in human nature to retaliate, and human nature was pretty strong and strenuous among the settlers of the Ohio Valley. A leading spirit in those regions was George Rogers Clark, who was as bold and adventurous as in his Kaskaskia and Vincennes campaign, and who was now developing those lawless and unscrupulous traits of character which ultimately proved his ruin. When he heard that the Spanish had seized an American vessel he promptly retaliated by seizing a Spanish vessel. The pioneers of Kentucky and Illinois rallied to his leadership, and he soon became the head of a violent and dangerous party. He was described graphically as being engaged in "playing hell," and he and his doings were formally repudiated by Virginia, of which the Kentucky territory was still a part. Rebuke and warning had, however, no effect upon Clark, unless to incite him to further violence, and even to treason. Since Virginia and the Confederation would not support him in his violent acts, he began to meditate secession from them. He and his followers argued that the free navigation of the Mississippi was necessary to them, and that if Virginia or the United States would not secure it for them, they would be justified in seceding and setting up for themselves an independent government, which would secure it, or even in annexing themselves to the Spanish colonies and thus getting the coveted privilege as a matter of right. Their policy

was one of "expecting all things in an hour," and of smashing everything within reach if they did not get it. In this deplorable and dangerous campaign a leading part was also taken by James Wilkinson, who afterward, it is humiliating to remember, was commander of the Army of the United States. He was a Kentuckian, of Maryland origin, who had apparently been produced by the latter state as a freakish counterfoil against the generally fine quality of her patriotism and statesmanship ; and he seemed to possess the vices of Arnold and Burr without a tithe of the valor of the one or of the superficial skill of the other.

Had Clark and Wilkinson and others of like kidney possessed greater ability and courage, and had the astute and masterful Galvez still been Spanish governorat New Orleans, these plans might have succeeded, or at any rate the young Republic might at the beginning of its career have been confronted with a serious rebellion in the very territory it had secured at so great pains. But among the would-be secessionists there was not one man of first-class ability, while Gardoqui, Miro, and Navarro all put together would not have measured up to the knees of Galvez. Nevertheless the disaffected Kentuckians and implacable Spaniards persisted in their intrigues. Spain, through her agent, the Belgian Baron Carondelet, and others, incited the Indians to hostilities against the United States, and supplied them with arms. She en-

couraged the secession movement in Kentucky, with intimations that if the people of that territory would separate themselves from the United States, the free use of the Mississippi would be granted to them forever. As an alternative to that, it was proposed that the Kentuckians should migrate to the western shore of the Mississippi and establish themselves there in colonies under the Spanish flag, enjoying, of course, full and free use of the river and its ports. This latter scheme was actually accepted by a few. Colonel George Morgan, a Mississippi trader, of New Jersey origin, founded a colony on Spanish soil, of which the city of New Madrid remains to this day as a memorial. George Rogers Clark offered to do the same, in 1788, but did not fulfil the scheme. Meantime Brown, the Kentucky delegate to Congress, and others, continued the propaganda of simple secession.

Thus matters stood when, in 1793–1794, the French minister, Genêt, undertook his infamous intrigues to involve the United States in a war with England in order to help the selfish schemes of France, and actually succeeded in what we may describe as hypnotizing Jefferson and his party into a blind worship of France and especially of Jacobinism. George Rogers Clark, growing more and more embittered against the United States government, readily fell in with the Genêt conspiracy. Clark had a grievance against the United States government

and against Virginia, which was doubtless in part well founded. His claims for payment for his great labors, and even for reimbursement for his own expenditures in the public service, had not been paid to his satisfaction. But we cannot find in that fact justification for his conduct, any more than we can find in the contemptible conduct of the Continental Congress and the worse than contemptible conduct of Gates justification for the treason of Arnold. Nevertheless Clark went on with his disloyal plottings. When Genêt suggested a western raid against Louisiana, knowing it would offend England and hoping it might embroil the United States in a war with that country, Clark promptly offered to lead it, if the means of equipping it were supplied. Further than that, he volunteered to expatriate himself, renounce his American citizenship, and enter the service of France. Genêt took him at his word, and gave him a commission as major-general in the French army. Thereupon Clark, whom we must charitably suppose to have become partially insane, issued a flamboyant proclamation, in his capacity as "major-general in the French army and commander-in-chief of the French Revolutionary Legions on the Mississippi," calling for volunteers in a campaign against New Orleans and the Spanish colonies generally, and promising to his followers practically unlimited loot. He actually got together a considerable number of men, and might have caused some mis-

chief had it not been for the judicious intervention of General Wayne — who was called "Mad Anthony" apparently because of his unfailing sanity. Genêt was abruptly recalled in merited disgrace in 1794, and Clark thereupon abandoned his wild scheme.

While Spain doubtless felt hostility toward the United States on other grounds, and did her utmost to annoy and injure this country, she seems to have had technical right on her side in the matter of the Yazoo lands. The secret article in the Treaty of Paris was indefensible on moral grounds. The legal boundaries of West Florida must be the same, whether England or Spain possessed that territory. But Americans were just then indulging in a craze of land-hunger and a debauch of speculation. Land companies were formed in various states for the exploitation of the disputed territory, and large sums of money were invested in them. There was a welter of corrupt competition and freebooting. Naturally those who were engaged in such work opposed surrendering the lands to Spain. There was indeed little thought of such surrender on any hand. But the alternative, as presented by Spain, was the closing of the Mississippi against our commerce. Jay, while Secretary for Foreign Affairs, had once proposed to settle the matter without losing the lands by making with Spain a treaty relinquishing for twenty-five years the right to navigate the lower

Mississippi. This proposal raised a furious storm. There was talk of violence toward all who favored it, and talk of secession if such a treaty was made. That, indeed, was the provocation of much of the secession plotting of Clark, Wilkinson, and their fellows.

Happily the presidential chair was at that time filled by the man who, many years before, had acted with such valor and judgment at Great Meadows, in the first expansionist campaign. Washington sent in 1795, as minister to Spain, the able and resolute Thomas Pinckney, of South Carolina, for the especial purpose of settling the Mississippi dispute. Pinckney's antagonist in negotiations was the notorious Godoy, the "Prince of the Peace." When Godoy tried the customary tricks of evasion and delay, Pinckney brought him sharply to terms by demanding his passports. Godoy had no stomach for an open quarrel with the United States at that time, so he pretty promptly, though grudgingly, accepted the alternative. He concluded with Pinckney a treaty recognizing the title of the United States to the Yazoo lands down to the thirty-first parallel, as provided in the Treaty of Paris, and granting to this country for a term of three years the right of free deposit and transshipment at New Orleans. After the three years that right was either to be continued at New Orleans or transferred to some other convenient point on the lower Mississippi.

Navigation of the Mississippi River was to be entirely free to both nations, throughout its entire course. This treaty, made by Pinckney and Godoy on October 20, 1795, was a marked triumph for American diplomacy. It settled, for the time, a most embarrassing and menacing question, to the advantage of the United States. It was in an obvious respect to Spain's advantage also, and had that power been able and willing to maintain indefinitely the settlement thus made, it is possible that her expulsion from the North American continent would have been considerably longer postponed.

But Spain's traditionary enmity toward the English-speaking race seemed stronger than treaty obligations. The Pinckney-Godoy treaty was ratified by the Madrid government in 1796, but was not fulfilled. Spain practically refused to fulfil it, and Carondelet and Wilkinson continued their treasonable conspiracies for secession. Kentucky, however, had now recovered from the secession fever, and began to demand the execution of the treaty. In this demand she was fully supported by the Federal government, to good effect. Andrew Ellicott was sent down to survey and mark the boundary line along the thirty-first parallel, from the Mississippi to the Appalachicola, and, to show that the United States was in earnest, a detachment of troops was sent to give him whatever aid and support he might need. At this demonstra-

tion Spain yielded, and in 1798 finally withdrew her garrison from Natchez and relinquished the whole Yazoo territory to this country. For a time thereafter peace and a reasonable degree of satisfaction — at least on the American side — prevailed. But two potent influences soon began to make for a disturbance of the settlement and a readjustment of relations.

One of these influences was Spain's recognition of the expansionist policy of the United States. She realized that the American people possessed a genius for conquest far surpassing that of her own old-time conquistadores. In spite of all opposition, they had pushed their way westward to the Mississippi, and southward to the Red River. In truthful vision she saw them soon pushing farther on, westward to the Rocky Mountains, and southward to the Gulf. Her possessions in Louisiana, Texas, and Mexico were menaced by them. Her own power was rapidly waning. She was not able to make an effective stand against the crescent power of the ambitious, unsentimental, and seemingly ruthless Americans. What could be done with a people who "had no repose," and who understood not the fine art of delay, and whose envoy, in reply to a proposal that an important discussion be postponed until to-morrow, said, "To-day, or I will take my passport"? There was only one thing for Spain to do. That was, to sell Louisiana and the whole western shore of the Mississippi to some

stronger power, that would be able to hold it forever as a barrier between her Mexican and Californian possessions and these terrible Americans. She would then retire beyond the Sabine or the Rio Grande, and the Rocky Mountains, and dream her dreams of "mañana" with none to disturb or menace her.

The other influence was the possibility of using her American possessions as a pawn in the European game. To the Spanish Bourbon mind of those days a province in Europe was better than an empire in America. Now France, under the imperious and aggressive lead of Bonaparte, had seized a petty domain in Italy, which Spain coveted and greatly desired to regain. It therefore seemed a fine opportunity to negotiate with France, exchanging the American empire for the Italian province. On her part, France — or perhaps we should say, on his part, Bonaparte — was not reluctant to make the exchange. France desired to regain at least a part of the American empire she had lost a generation before. Bonaparte knew that to regain it would greatly add to his prestige and popularity. Moreover, there was a chronic state of war between France and England, and French possession of the mouth of the Mississippi River and the western part of the Mississippi Valley would greatly annoy England, and afford an admirable vantage-ground from which to conduct a campaign against the English empire in Canada.

With a French fleet in the Mississippi, and a French army moving up that river for the invasion of Canada, a French insurrection in Quebec might be incited, and all Canada might be regained for France. Such were the dreams which Bonaparte began to cherish, and under the influence of which he lent a ready ear to suggestions of an exchange with Spain.

After some haggling and delay the exchange was made. It was made secretly, by the secret Treaty of San Ildefonso, on October 1, 1800. The secrecy of it was a sweet morsel, which both Spain and France rolled under their tongues with vast delight. It was, they reckoned, fine revenge upon England and the United States for making the Treaty of Paris over the head of France, and for making that secret provision about the Yazoo lands. There was in the treaty one feature which afterward led to much trouble. That was, that instead of setting forth the boundaries of the Louisiana territory it merely referred to it as the territory possessed by Spain and formerly possessed by France. There was no mention of the dividing line between it and the remaining Spanish possessions at the southeast. There was also attached to it one notable condition, unmistakably revealing Spain's purpose in making the trade. That was the stipulation that France should keep the Louisiana territory as her own forever, and never retransfer it to any other

power. Spain wanted to make sure of keeping a French buffer between herself in Mexico and the Americans in Kentucky and Mississippi. That stipulation Bonaparte, however, with characteristic treachery, threw to the winds the moment it suited his purpose so to do.

The Treaty of San Ildefonso was secretly negotiated, and was kept secret for some time, the Spanish meanwhile retaining actual possession of New Orleans and Louisiana and continuing to administer the affairs of that region as though no such bargain had been made. This arrangement was to continue until Bonaparte was ready to take possession in force. It actually lasted until the end of the brief French ownership. At the time there was a temporary peace between France and England, and Bonaparte took advantage of it to prepare a powerful expedition to come over to New Orleans. An army of twenty-five thousand men was organized for the purpose, and a fleet was prepared to transport it hither. But, for reasons which we shall presently see, that fleet and army were never sent, and the Spanish were left in possession of Louisiana even after the secret treaty was made public and the French ownership of the territory was made known. This circumstance greatly renewed and increased American irritation. French ownership of Louisiana was greatly resented by the United States. But if it had been accompanied with actual French

administration, this country might have been able to negotiate temporarily satisfactory commercial arrangements, as it had done with Spain. But the Spanish terminated their own treaty, and declined to make a new one, on the ground that they no longer owned the country.

On October 16, 1802, Morales, the Spanish intendant at New Orleans, arbitrarily revoked the American right of deposit at that port. This was contrary to the will of the Spanish government, and without the knowledge of the king of Spain, who afterward disapproved the act. It was also done without the knowledge of France. Apparently Morales, knowing the Spanish would soon have to get out of Louisiana altogether, spitefully determined to do the United States all the injury he could before such evacuation took place. Such a spirit and such conduct were quite characteristic of Spanish statesmen at that time. The United States fiercely resented it, and came to the heroic conclusion that the only way to settle the Mississippi question was to take or acquire possession itself of the whole course of that river. It was resolutely determined that Spain should be ousted from New Orleans, and that France should not be permitted to settle there in her stead. For Spain to remain there, or for France to settle there, would mean war, sooner or later, and if there was ever to be war over the Mississippi, it would best come at once. The

United States was ready for it. The temporary dalliance with secession in Kentucky was past, and the whole Republic was firmly united upon the policy of protecting and maintaining its rights upon its western border.

We have said that the American nation had found itself. That was the most significant feature of the times. The colonists had originally come to America largely, perhaps chiefly, to escape from the misgovernment of Europe and to get away from the interminable intrigues and quarrels of the European states. Their ambition was to found for themselves a new nation which should forever be free from those detested conditions and influences. They wanted to be divorced wholly from the "European system." During the colonial period they had suffered much from being followed hither by the very things they had striven to escape. They were still treated as pawns in the European game. They were still subjected to European misgovernment. It was largely because of those things that they revolted. In the Revolution they were successful, they fondly believed, in ridding themselves forever of the European incubus, though, as we have seen, in the very act of making peace at the end of it they were once more brought into unpleasant contact with European intrigues, over which they triumphed with intrigues of their own. Ever since, they had felt that continued contact with at least one European

power, at the west and south, was a perennial source of irritation and danger. European intrigues and the baleful purport of the European system were as active and as menacing on the Mississippi during the last dozen years of the eighteenth century as they had been at Paris in 1783. A quarter of a century after the Declaration of Independence America was still made to feel, to its hurt, the malign influences of European animosities.

It was natural, then, that there should begin to arise with irresistible force a spirit of what we may call continental nationality. The first effort at getting away from the European system had been made through emigration. It had failed. The second had been made through revolution and independence. It, too, had failed to achieve its full purpose. The third was to be made by the expulsion from this continent of all remaining European powers and influences that could prove a source of disturbance or injury. France and Spain were especially regarded as offensive and menacing, and therefore as to be expelled. They had both before and after the Revolution been America's worst enemies. They still held the major territories in area, in strategic importance, and in future potentiality. England in Canada was looked upon with much more complacence, partly because of the close kinship and actual friendship between England and America, and

partly because it was not supposed that Canada could, in its geographical situation, ever be developed into a rival of or a serious menace to the United States. But the alien power which held the western half of the Mississippi Valley and the mouth of that river, that was the enemy that must be got rid of; peaceably if we could, forcibly if we must. The United States, in order to be secure, and in order to fulfil the purposes for which the colonies were founded and independence was achieved, must be the dominant and paramount power on the North American continent.

In this momentous and supreme development of national spirit, and in the movement which more than anything else since the Revolution directed the progress and determined the destinies of America, the foremost leader was Alexander Hamilton. The line of colonial and revolutionary expansionists began with Spottswood and culminated with Jay. The line of expansionists under the Constitution began with Hamilton. Indeed he began the propaganda of national expansion before the Constitution was framed and the nation established. His last act as a member of the Congress of the old Confederation was to introduce and to advocate, with his unrivalled powers of argument, a resolution declaring that the navigation of the Mississippi River, to the sea, was a clear and essential right of the American states,

and was to be supported and insisted upon as such. Later, when he was a member of Washington's Cabinet, he declared at a Cabinet meeting that the free use of the Mississippi was "essential to the unity of the Empire." (An "imperialist" as well as an expansionist, that same Hamilton!) Close by the side of Hamilton in these contentions stood that statesman who was second only to him in clarity and penetration of intellectual powers, James Madison. Madison indeed may have preceded Hamilton in point of time in demanding the free navigation of the Mississippi. He insisted upon this away back in the Revolution, as a necessary part of the then proposed alliance with Spain, and persisted in it even when his own state of Virginia relinquished the claim. He vigorously opposed the policy of Jay's proposed treaty with Spain, in 1786, under which that claim was to be relinquished by the United States, and he made urgent personal appeals to Washington and to Lafayette against the policy. Another vigorous supporter of the right of free navigation was Jefferson. "The act which abandons it," he said, concerning the Mississippi in opposing Jay's policy, "is an act of separation between the eastern and the western country." So Jefferson wrote to Madison, on January 30, 1787, having in view the Kentuckian menace of secession, and looking for its fulfilment if the general government did not maintain the demand for free use of the great river.

But Hamilton outranked even these strenuous champions of American rights in the boldness and correctness of estimate of the means by which the end was to be attained. Madison, Jefferson, and the others merely insisted that Spain should grant us in perpetuity the free use of the Mississippi, on grounds of expediency, of comity, and of international law. Hamilton saw clearly that such an arrangement would not and could not permanently endure, nor long prove satisfactory. The control of the river must in the end be vested in the power that owned its banks. Therefore if the United States was to enjoy entirely satisfactory use of the river, it must own the land through which the river flowed, all the way down to the sea. Long before the matter was brought to a crisis by the Treaty of San Ildefonso and the transfer of Louisiana to France, he urged that the United States should and indeed must, for its own welfare, acquire full sovereignty and possession of Louisiana, on both sides of the river, and also of the Floridas, so as to own the Mississippi from source to mouth, and also the whole shore of the Gulf and those narrow Florida Straits through which commerce between the Mississippi and the Atlantic ports must pass. He made this policy of his plain to Pickering in 1798, and in 1799 he wrote again: "I have long been in the habit of considering the acquisition of those countries as essential to the permanency of the Union." In *The Federalist*,

too, he wrote: "Our situation invites and prompts us to aim at an ascendant in American affairs." In few respects was the unrivalled genius of that greatest of American constructive statesmen so clearly and triumphantly revealed as in this matter. Nor has there often been a more striking touch of fate's proverbial irony than that the fulfilment of the major part of his great design should have been ultimately intrusted to his chief political opponent, and his opponent on this very policy, whom Hamilton himself had generously made President.

"Our situation," wrote Hamilton in *The Federalist*, "invites and prompts us to aim at an ascendant in American affairs." Toward that end he systematically and energetically worked. He became interested in the Spanish liberator of South America, Miranda, and engaged in correspondence with him, encouraging his schemes for throwing off the Spanish yoke. His ideal was the possession of the whole North American continent, possibly with the exception of Canada, by the United States, and of the South American continent by a group of independent republics, bound to the United States by the ties of gratitude and community of interest. The two continents should form a political system of their own, entirely independent of Europe. Thus masterfully and presciently did he forecast the Monroe Doctrine, and sound long in advance the keynote of the memorable utterances of Washington in his Farewell

Address and of Jefferson in his much-quoted inaugural. Doubtless it was because of these well-known views and purposes of Hamilton that Spain made haste to conclude with France the Treaty of San Ildefonso, preferring to sell or trade Louisiana to France rather than have it taken from her by America under the strenuous leadership of Hamilton. We may also credit to the same circumstance Talleyrand's eagerness to restore friendly relations with the United States, and his intimation that the sending of an American minister to France would be welcomed.

Jefferson, as we have seen, was an early champion of American rights on the Mississippi, though his point of view was opposed to that of Hamilton. He insisted, as early as 1780, that the United States must have immediate and full enjoyment of the navigation of the Mississippi. He denied that Spain's ownership of both banks of the river gave her the right to close it to our commerce. Such were his representations, as Secretary of State, in his negotiations with Spain for treaty rights on the lower Mississippi, and he added that if Spain did not grant our just demands, it would be impossible to "answer for the forbearance of our western citizens." He hoped for a pacific settlement of the controversy, but was prepared for recourse to arms if that became necessary.

The ground taken by Hamilton was doubtless the more logical of the two. Indeed, it is difficult

to see how Jefferson's was tenable. Hamilton seems to have conceded that the lower Mississippi was a part of Spain's territorial waters, which Spain had a technical right, under international law, to regulate and control as she pleased, and navigation of which was to be enjoyed by us as a grant from Spain. But the United States had a right to demand such a grant on the ground that it was essential to our welfare, and Spain must yield it on that ground. Moreover, in order to secure such use of the river absolutely and forever, the United States must itself become the owner of Louisiana, and thus make the Mississippi a part of its own territorial waters, like the Ohio and the Hudson.

Jefferson, on the contrary, contended that we had a natural right to navigate the Mississippi, without regard to Spain's wishes or her ownership of the land through which the river flowed. That meant, of course, either that the Mississippi River as far up as Vicksburg was a part of the high seas, which is absurd, or that one country has a right to navigate at will the territorial waters of another, which is contrary to law. The untenability of Jefferson's position may be perceived through analogy. We have now an indisputable right to navigate our half of Lake Ontario, and the upper part of the St. Lawrence. But nobody dreams of claiming our right to navigate the Welland Canal, or the St. Lawrence below Cornwall, without Canada's consent, or to use Montreal and Quebec as free ports

for storage and transshipment of our goods. If the Hudson River were connected by a navigable channel with Lake Champlain, it is inconceivable that this country would ever concede that Canada had a natural right to navigate it down to Sandy Hook and to use New York City as a free port.

It took Jefferson, as Secretary of State, from 1790 to 1795 to secure from Spain the right to navigate the lower Mississippi and to use New Orleans as a port of deposit, and then, as we have seen, the right was granted for only three years. In those negotiations, and in those which followed for a renewal of the treaty for another term, he relied largely upon the aid and good offices of France, to which country he was partial and in whose friendship for the United States he placed almost implicit confidence. That confidence was, however, quite misplaced. While professing friendship for him, France was secretly intriguing against him, and in the fall of 1800 she concluded with Spain the Treaty of San Ildefonso. That treaty was kept secret until the spring of 1802, when Jefferson was President instead of merely Secretary of State. His wrath at learning how he had thus been tricked by his loved and trusted France knew no bounds. He became as bitter against France as he had formerly been partial to her, and became as ready to cultivate English friendship as he had been suspicious of and averse to it. He wrote on April 18, 1802, to Livingston, the American min-

ister to France, as follows: "The cession of Louisiana by Spain to France works most sorely on the United States. It completely reverses all the political relations of the United States. There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans. It is impossible that France and the United States can continue long friends, when they meet in so irritable a position. The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within her low-water mark. It seals the union of two nations who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation." Thus early was not only suggested but demanded a union of the two great Anglo-Saxon powers for world-wide domination.

Jefferson's wrath was fully matched by that of the American people, especially in the new states of Kentucky and Tennessee, and in Ohio, which was just entering upon statehood. First arose incredulity, then indignation, and then a stern resolution. When the news was fully confirmed and its purport was manifested in the abrogation of all American rights on the lower Mississippi, the crisis came. The people of the West clamored for war, and those of the rest of the nation echoed the demand. France's oppression of our commerce on the high seas from 1794 to 1800 was fresh in mem-

ory, and was bitterly resented. It was recalled, too, not merely as something to be resented and avenged, but also as an indication of what Americans might expect from France on the Mississippi, and as an index of the mind and intent of France toward America generally. France was recognized as the one great enemy with which the United States had to reckon, and it was felt to be for the best that the issue should be at once fought out and decided.

In this grave crisis Jefferson proved himself well worthy of his place as Chief Executive of the nation, even to the extent of reversing his most cherished policies and throwing his former predilections to the winds. Consistency, wrote Emerson in later years, is something with which a great mind has nothing to do. Judged by that rule, Jefferson's greatness of mind was abundantly demonstrated. He had regarded France as our best friend; he now declared her to be our worst enemy. He had opposed the construction of an American navy; he now moved for making the United States a great naval power, great enough to defeat France at sea and to prevent her from sending troops to Louisiana. He had antagonized England; he now courted her favor and proposed an alliance with her. He had striven for peace at any price; he now favored seeking an opportunity for war. He had exhorted his countrymen to shun entangling alliances with European powers and to

ignore all happenings in Europe; he now urged them to take advantage of European complications and to ally themselves with a European power. He specifically urged that a close alliance be made with England, that all our energies be directed toward the construction of a navy that should hold the seas against France and cut her off from Louisiana, that as soon as France became involved in another war in Europe we should invade Louisiana and forcibly expel the French authorities, and that thereafter we should hold both North and South America against the world "for the common purposes of the united British and American nations." Truly he had adopted Hamilton's continental and Anglophile policy, with a vengeance! He was actually out-Hamiltoning Hamilton. But he was right. The nation supported him enthusiastically. It had "found itself." Congress sanctioned every measure he proposed, and those measures were radical and strenuous to a degree. Amazingly as he had thus reversed himself on almost every feature of national and international policy, however, let no one charge Jefferson with inconsistency. Much as he changed in details, to the one fundamental and paramount principle he was absolutely consistent. That principle was the welfare of his country. If peace would best serve that welfare, he favored peace; if war, war. If a French alliance against England was best, he advocated it; if an English alliance against France,

he was equally hot for it. In any case he was for America before all the world.

Events moved rapidly in 1803. In January Jefferson sent Monroe as a special envoy to France. At the same time, mindful of some suggestions which James Ledyard of Connecticut had given him in Paris years before, he sent Lewis and Clark up the Mississippi and Missouri and across the Rocky Mountains to Oregon, to win the far northwestern wilderness for the United States, and to circumscribe the French territory at the north. A little later Congress in secret session voted him an appropriation of $2,000,000, to be used by him at his discretion for the settlement of the dispute over the Mississippi River — a notable prototype of a much later grant of a much larger sum to McKinley for preparation for a settlement with Spain. The act ran: "Resolved, that a sum of two million dollars be appropriated to defray any expenses which may be incurred in relation to the intercourse between the United States and foreign nations, to be applied under the direction of the President of the United States." In this resolution there was no mention of its special purport. But the committee in reporting it favorably said at the outset: "The object of this resolution is to enable the Executive to commence with more effect a negotiation with the French and Spanish governments relative to the purchase from them of the Island of New Orleans and the

provinces of East and West Florida." The same report added, after dwelling upon the importance of the issues: "If we look forward to the free use of the Mississippi and the other rivers of the West, New Orleans and the Floridas must become a part of the United States, either by purchase or by conquest. The great question, then, which presents itself is, Shall we at this time lay the foundation for future peace by offering a fair and equivalent consideration, or shall we hereafter incur the hazards and the horrors of war?" In March the enlistment of eighty thousand volunteers was authorized, and the country was upon the verge of war.

Yet even after going thus far, Jefferson seemed to lack the full courage of the occasion, at least for a moment. He did not venture to strike boldly for the whole Louisiana territory. He shrank back from the splendid scheme of continental conquest to which he had at first committed himself, and reverted to the petty scheme of securing commercial rights on the lower Mississippi. His instructions to Livingston and Monroe were to negotiate for the purchase of the eastern bank of the Mississippi to its mouth, and the comparatively small bit of coast-land extending eastward therefrom, known as West Florida. That was all. He would have thus gained at most only that part of the state of Louisiana lying east of the Mississippi River and the southern end of

Mississippi, and of Alabama, as far as Mobile. Failing to effect such a purchase, Livingston and Monroe were instructed to quit Paris and proceed to London, there to negotiate an offensive and defensive alliance with England against France. Thus the author of the shibboleth, "entangling alliances with none," was the first American President to move for such an alliance! Jefferson had regarded with disfavor Hamilton's proposal to take possession of the whole North American continent, on the ground that such an act would involve us in war. Yet now he was preparing to go to war for the right to navigate a single river of that continent and the ownership of a few hundred square miles of supposedly barren land.

In the ensuing negotiations Jefferson's earlier words came back to plague him. Livingston had already, under his directions, announced to the French government that America sought merely to establish her right to navigate the Mississippi, and cared nothing about the actual ownership of the territory. This statement was recalled to the embarrassment of both Livingston and Monroe, when the latter reached Paris with proposals for the purchase of the land east of the river. It became necessary to explain that we had changed our mind on the subject of ownership; at which the shrewd suggestion arose that if we deemed ownership of the land necessary for securing the right of navigation, our former demands for the

right without ownership were ill founded. Monroe then pleaded that we were willing to buy the land just for the sake of peace and friendship. We did not want it. We did not consider possession of it to be necessary to establish our right to navigate the river. Moreover, we were really too poor to afford the purchase. But in order to settle the controversy beyond all question, we were willing to take the worthless bit of sand and swamp, and pay all we could for it. Jefferson himself wrote: "We are an agricultural people, poor in money and owing great debts. . . . The country which we wish to purchase is barren sand. We cannot make anything by a sale of the land to individuals. So that it is peace alone which makes it an object to us, and which ought to make the cession of it desirable to France." At the same time he added — he was writing to Dupont de Nemours — that "the use of the Mississippi is so indispensable that we cannot hesitate one moment to hazard our existence for its maintenance." In other words, we were too poor to buy the worthless land, yet for the sake of peace would try to do so; but if we were not permitted to do so, we would go to war for it!

From one point of view, this was shrewd diplomacy. But it was hopelessly ineffective. Bonaparte, who had become First Consul for life, and had already taken the measure of his own head for the imperial crown, laughed it to scorn. He

proposed to hold every inch of Louisiana, add to it Florida and perhaps other Spanish territories, and build up in America a French empire that would surpass Canada, overshadow the United States, and dominate the continent. Had the Peace of Amiens endured, he might have made good his ambitious plans. But that peace was suddenly broken. England and Austria became actively hostile, beginning a campaign against him which ended only at Waterloo. The English fleet made it impossible for him to send an army to Louisiana. His Haytian campaign failed disastrously. His secret agents assured him that without sending over an enormous army it would be impossible to hold Louisiana against an American invasion — an invasion which was actually imminent, as the enlistment of eighty thousand volunteers showed. Even could he have sent to Louisiana the twenty-five thousand men he had assigned for that expedition, it was doubtful if they would be sufficient. Moreover, he needed them at home in his war with England and Austria. He needed ready money for that war, too. Finally, there was nothing more desirable than to alienate America from England, and win the former as an ally of France.

Impelled by such considerations, Bonaparte reversed himself in the twinkling of an eye, with a celerity which made Jefferson's change of policy seem slow. Ignoring the protests of his brothers, their threats to appeal to the Convention, and the

probable opposition of the latter body, he personally dictated to the astounded American envoys an offer not only of the bit of land they had sought, but of the whole French empire in America — or rather solicited from them an offer for it. Monroe and Livingston were in a dilemma. They were much impressed by the offer which was presented to them. They appreciated the enormous advantages which improvement of the opportunity would secure for America. Yet, they were bound by their instructions. Congress had provided only $2,000,000 for the settlement of the Mississippi question, and that would not be nearly enough for so vast a purchase. Moreover, they had been specifically directed to negotiate for merely the land east of the river, and the order had been given to them by the chief of the "strict constructionists," who was likely to hold them to the letter of their commission as strictly as he would hold the government and the nation to the letter of the Constitution.

Happily, however, the spirit of Jay and Adams and Franklin was still alive and potent. If those earlier commissioners had violated their orders that they might secure the eastern half of the Mississippi Valley, these later ones might well do the same in securing the western half of it. Their resolution was promptly taken. The bargain with Bonaparte was made, for the absolute and perpetual cession to the United States of the entire

French territory on the North American continent — a territory extending through twenty degrees of latitude and twenty-five degrees of longitude, from the Gulf of Mexico to the Lake of the Woods, and from the Mississippi River to the Rocky Mountains. The purchase price was $15,000,000.

The treaty effecting this stupendous transfer of sovereignty was signed on April 30, 1803, without the knowledge of a single person in the United States, and of course without a hint of authorization. When the news of it reached Jefferson, he perceived that the commissioners had far exceeded their instructions and their authority, and that if he approved their work he would be similarly exceeding the authority which Congress had bestowed upon him, and which the Constitution had, as he believed, made it possible for Congress to bestow or to exercise. And, as we have said, he was the chief of the "strict constructionist" school of statesmen. But what were instructions and authority, what was an act of Congress, what was the Constitution itself — for which, indeed, Jefferson, though a "strict constructionist," never had the most profound reverence — when the possession of an empire and the preservation of the Republic and the safeguarding of its welfare were at stake? Jefferson never hesitated. He approved the work of his envoys, and took steps, secret but strong, to secure the approval of Congress. It would be well, he said, to proceed quietly, even secretly.

He had acted in advance of authorization. Now authorization must be secured after the act. He called Congress together, in special session, on October 17. A bill was promptly introduced "to enable the President to take possession of the territories ceded by France." On October 26 it was passed, and on October 31 it became a law, and another monumental violation of orders was condoned and approved.

Thus was the first act of national expansion effected. We have seen that the efforts at expansion in colonial and revolutionary times resulted in the acquisition of the territory between the Alleghany Mountains and the Mississippi River. The first act of expansion by the nation won for it the territory between that river and the Rocky Mountains. That territory now comprises the whole of the states of Louisiana, Arkansas, Missouri, Iowa, Nebraska, the two Dakotas, and Montana, the Gulf frontage of Mississippi and Alabama, the greater parts of Minnesota, Wyoming, Colorado, and Kansas, the Indian Territory, and most of the territory of Oklahoma. Its civilized population in 1803 was forty-two thousand; now it is fifteen millions. The geographical importance of the territory was comparable with its size. The acquisition of it removed from this continent the last remaining power that could ever rival or menace us. Spain still held East Florida, but that was a small country. She also held Texas, Mexico, and California, but those regions

were remote and were supposed to be largely uninhabitable deserts, at least in portions bordering upon our domain. The United States was in possession of all the supposedly useful and valuable parts of the continent, and had at last attained the end which the colonists originally had in view in migrating to America, and which the revolutionists had in view in winning independence from the mother country. We were free from European control, and sufficiently free from contact with European colonies. The United States was at last in a position in which it might fulfil the ideal set by Jefferson in 1801: "Peace, commerce, and honest friendship with all nations, entangling alliances with none."

There was no longer need of an entangling alliance with France or Spain to secure for us the free use of the Mississippi, or with England to compel their granting of it. The first great act of expansion, with all that it implied and involved, was an established fact.

CHAPTER IV

EXPANSION AND CONSTITUTION

The material effects of the Louisiana Purchase were enormous. At least comparably great were its constitutional and moral effects. If, as we have said, the nation had found itself, in strength and determination, at an earlier date, in this event it found itself again and more fully, in appreciation of the Constitution which it had made and in interpretation of that instrument in the light of manifest destiny. In a hundredfold magnified degree was there impressed upon the nation the fact that power involved responsibilities and obligations, and that progress involved further progress. We have already cited eminent authorities to the effect that the Declaration of Independence, the Constitution, and the Ordinance of 1787, were the three great charters of American liberty. Without dissenting from that opinion or in the least detracting from it, we may add that the Louisiana treaty was, or at any rate called forth and compelled, the greatest of all comments upon and expositions of those charters. No other act of our government has ever brought forward so important an array of con-

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stitutional problems as did the purchase of Louisiana, nor has any since the Constitution was framed so powerfully directed the development of our institutions and determined the destinies of the nation. This was made clear in that brief session of Congress in October, 1803. There were not many days of debate over the approval of Jefferson's act. But those days were pregnant with the settlement of fundamental questions, and with the beginnings of many years of earnest debate and of bitter conflict. How widely opinions of men of light and leading differed upon affairs of state in those days may be estimated from the single fact that Hamilton held the acquisition of Louisiana to be essential to the perpetuation of the Union, and Josiah Quincy as firmly believed it to be fatal to it!

The first, though by no means the most important, question raised in Congress concerned the right of France to sell us the territory. It was pointed out that while France had purchased it from Spain, she had never perfected her own title to Louisiana by actual occupation and administration. She had not yet paid Spain for it, and in connection with the Treaty of San Ildefonso she had promised Spain not to transfer Louisiana to any other power. It was therefore doubted by some whether France was morally or legally empowered to give us a clear title to the territory, and it was feared that Spain might make some effective protest against our assumption of the title

taken from France. Jefferson had no doubts and no compunctions on that score, however, and his supporters in Congress readily replied to such objections. We were dealing with France and not with Spain. France professed to be able to give us a valid title to the property, and we could not "go behind the returns" and challenge her right and power to do so. By the very fact of our negotiations with her, we had practically accepted her guarantees as satisfactory. Moreover, the Spanish authorities at New Orleans had themselves assured us that France had become the owner of Louisiana and that we must look to France and no longer to Spain for permission to navigate the Mississippi. If, therefore, Spain was in any way aggrieved in the matter, she must look to France and not to us for redress. Such reasoning was logical and convincing, and that objection to the treaty was thus disposed of.

There next arose the far greater and fundamental question of the right and power of the United States, under the Constitution, to acquire new territory. Jefferson himself did not claim such right and power. On the contrary, he explicitly and confidently denied them, though in so doing, as we shall presently see, he contradicted himself. He was a "strict constructionist," and as the Constitution did not say in so many words that the United States might acquire new territory, he denied the ability of the United States to

do so. He wrote to John Dickinson, on August 8, 1803: "There is a difficulty in this acquisition which presents a handle to the malcontents among us, though they have not yet discovered it. . . . The General Government has no powers but such as the Constitution has given it, and it has not given it the power of holding foreign territory, and still less of incorporating it into the Union. An amendment of the Constitution seems necessary for this. In the meantime we must ratify and pay our money, as we have treated, for a thing beyond the Constitution, and rely on the nation to sanction an act done for its great good, without its previous authority." Three days later he wrote practically the same to J. C. Breckenridge, adding: "The Executive, in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution. The Legislature, in casting behind them metaphysical subtleties, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it. . . . We shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the Constitution."

In those utterances spoke at once the strict constructionist, who could not see beyond the immediate letter of the Constitution, and also the statesman who had never fully approved the Con-

stitution nor hesitated to speak slightingly of it, and who, in commending an insurrection against the general government, had declared that "a little rebellion now and then is a good thing." It is quite true that the Constitution contained then and contains now no provision in direct terms for the acquisition of new territory. There is a clause giving Congress power to "dispose of" and to make all needful rules for the regulation of territory belonging to the United States. It is perfectly well known, however, that that was intended to guard against the alienation of territory by the Executive alone. Patrick Henry and his colleagues made that clear. The king of England, Henry argued, could not alienate a part of his empire without the consent of Parliament, and in like manner the President, or the President and Senate together as the treaty-making power, ought not to be able to alienate any of our territory without the consent of the House of Representatives.

Nevertheless we must maintain that the Constitution did and does in double measure confer upon the general government the fullest right and power to acquire territory, and either to incorporate or not to incorporate it into the Union of states as it sees fit. That Jefferson and his fellow "strict constructionists" were unable to perceive the fact is a remarkable indication of the extent to which they were blinded by "metaphysical subtleties." The one and lesser authorization of

territorial acquisition is to be found in the clause concerning the war powers of the government. The Constitution, born of a war, gives to the general government plenary power to declare and to wage war, either defensive or aggressive. That power is explicitly vested in Congress. Now war implies conquest, and conquest implies the acquisition of territory. There is in the Constitution no limitation of the power of Congress to declare and of the Executive to wage war. There is no specification of the kind of war that may be waged, of the objects for which it may be undertaken, or of the results which may be reaped from it. Congress may, under the explicit authority of the Constitution, declare war. It is simply war, in the fullest and most comprehensive meaning of the word. It may be a war of defence, to protect the United States from foreign invasion, or it may be an aggressive war of oppression, conquest, and spoliation against a neighboring country. Moreover, it was obviously understood and intended by the makers of the Constitution that this war-power should include the power of conquest, and territorial aggrandizement. For at the very time when the Constitution was under consideration, in 1788, the Fathers of the Constitution were demanding a territorial cession from Spain and were threatening a war of conquest if it were refused. On that ground, then, the right of the government to acquire Louisiana should have been unchallenged.

The other and major ground of Constitutional authorization is found in the very opening words of that instrument: "We, the People . . . do ordain and establish this Constitution," and, in conjunction therewith, in the words of the Tenth Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." Now the power to acquire territory is a natural power of sovereign states. The United States possessed it and exercised it before the adoption of the Constitution, as shown in the acquisition of the Northwest Territory. What became of that power when the Constitution was adopted? It is not mentioned in that instrument, though many others are. But it was not annihilated. It could not have been. The Constitution itself expressly says that "the enumeration of certain rights shall not be construed to deny or disparage others retained by the people." Since then that power is not "delegated to the United States by the Constitution, nor prohibited by it to the states," what becomes of it? According to the Tenth Amendment it must be either "reserved to the states respectively, or to the people." Now it evidently is not reserved to the states, because they are expressly inhibited from making treaties, alliances, or confederations, or, without the consent of Congress, from engaging in war or entering into any

agreement or compact with a foreign power. That is to say, the states individually are forbidden to make use of any of the means of acquiring territory. They cannot, therefore, acquire territory, and the power of such acquisition is therefore not reserved to them. We come, then, to the only remaining alternative, that that power is "reserved to the people." Who are "the people"? Manifestly, the citizens of the United States. But how do they exercise their legislative and executive powers? Not by a popular referendum, nor in mass-meeting, but through elected representatives. When the Constitution was made, "We, the People" meant the members of the Constitutional Convention, who made the Constitution, and afterward, perhaps, the members of the state legislatures or constitutional conventions which ratified it. But the people of the United States are just as truly represented in Congress as they were in the Convention, and Congress may as truly say, as did the convention, "We, the People."

The power of acquiring territory, then, is reserved to the people, and is to be exercised by them as their other legislative and executive powers are exercised, through the general government.

The Constitution — and this was the greatest of the facts which the Louisiana purchase controversy impressed upon the American mind — made of the separate and individual states a single, united, sovereign nation, with plenary power to do, as a

nation, all that any nation might do. In the Constitution the relations of the states among themselves, the relations of the states to the Federal government, and the relations of the Federal government to the states, are all prescribed and limited. But upon the relations of the nation to other nations and to the world at large, there are no limitations. There is no hint of any. The power of the nation is unlimited. Jefferson himself should have been the first to recognize and to maintain this fact, for it was he who wrote in the Declaration of Independence that "the United States of America, as free and independent states, have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do." Surely, it is unquestionable that to acquire and incorporate territory is one of "the things which independent states may of right do." It is certainly one of the things they have been doing ever since the first state was formed. The United States is no dwarf nor cripple among nations. It wears no self-imposed fetters. Its Constitution is no ordinance of self-abnegation. It is a nation, the peer in sovereignty of any other nation in the world. Whatever any nation can legally do, it can do. If France could purchase Louisiana from Spain, the United States could purchase it from France. That was and is the fundamental principle upon which territorial

expansion was and is legally vindicated; and that is, for innumerable other purposes than that of expansion, one of the very most important principles of our national existence. Jefferson, as we have seen, believed such power could be gained by the United States, that is, by the Federal government, only through another amendment to the Constitution specifically declaring and bestowing it. The nation did not agree with him but took instead Hamilton's view, that such power was fully enjoyed under the original draft of the Constitution.

Next there arose the question, What could we do with it? Granted that France could sell Louisiana to the United States, and that the United States could buy it, what was to be the subsequent status of the territory? Could it constitutionally be incorporated into the Union of states? Could it be held as a territorial possession outside of the Union and not under the Constitution? These questions were acutely raised by the provision in the treaty of cession, that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." It was objected, and not without plausi-

bility, that the President and Senate alone were not competent to make such a treaty, since it involved an obligation which could not be fulfilled without the concurrence of the House of Representatives. The treaty-making power had no right to bind in advance to a certain line of conduct a coördinate branch of the government. The treaty promised the admission of Louisiana, or a part of it, into the Union, but no new state could be admitted into the Union save by act of Congress — that is, by act of House as well as Senate. This contention is a familiar one. It has been put forward many times since then, the latest being in reference to the Cuban reciprocity treaty of 1903, just a century after the Louisiana debate. It is from one point of view well founded. A treaty affecting the revenue laws of the United States cannot be enforced without the sanction of the House of Representatives, to which the Constitution grants the initiative in revenue matters. A treaty promising to pay a sum of money cannot be fulfilled until the House makes the necessary appropriation. This Louisiana treaty could not be fulfilled until the House appropriated the purchase money. Neither could it be fulfilled in the admission of Louisiana into the Union until the House voted for such admission. That fact was indeed recognized in the making of the treaty, for it will be observed from the citation already made that the treaty did not promise such admission absolutely, on its own

authority, but "as soon as possible, according to the principles of the Federal Constitution" — that is, as soon as the House should see fit so to vote.

Objection was further made to the treaty on the ground that it gave to the ships of France and Spain for the term of ten years the same privileges and immunities that American ships would enjoy in the ports of Louisiana. This, it was pointed out, would specially favor New Orleans and other Louisiana ports above all other American ports, and would violate the Constitutional provision that "no preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another." To this the answer was obvious, and bold. It was simply this, that Louisiana was not a state, and that its ports were not "ports of one state" in the sense intended by the Constitution. In brief, the Constitution did not yet apply to Louisiana, and would not until that territory was erected into a state, or the Constitution was specifically extended to it by Congressional legislation. The same answer was given to the adnate but minor objection that the treaty aimed to regulate commerce by Presidential action instead of by Congressional enactment as provided by the Constitution.

These questions thus disposed of, there next arose the general one of the power of the nation to hold and of Congress to govern a territory outside of the Union and not under the

provisions of the Constitution. That question, too, is a familiar one and has been raised again and again in the last few years. It is evident that the makers of the Louisiana treaty believed in the existence of that power. The fact that they thought it necessary to insert that stipulation as to statehood and citizenship indicates that they believed that without such stipulation Louisiana would have had no natural rights to admission, but might have been held indefinitely and perpetually as a colony outside of the Union. The insertion of the stipulation as to the inhabitants' "free enjoyment of their liberty, property, and religion" similarly indicated a belief that they would not come under the Constitution until Congress admitted them to citizenship and statehood. If by the simple act of purchase and annexation the territory had been brought under the Constitution, that stipulation would have been altogether superfluous, for that freedom would have been adequately guaranteed by the Constitution. Substantially, therefore, the principles were established that the United States had the power to acquire territory, by conquest or by purchase, and that it had the supplementary power either to incorporate it into statehood or to hold it outside of the Union, and outside of the detailed provisions of the Constitution. The Constitution was a domestic document, which did not regulate or control our dealings with foreign nations and which did not

apply to any territory we might acquire from foreign nations unless and until we specifically extended its application thereto.

In this questioning and objecting we have an interesting illustration of the evils arising from lack of perspective. The men of 1803 were still too near to the doings of 1780 and 1787 to realize the full purport of them. In October, 1780, the Continental Congress formally established the principles that the lands west of the Alleghanies should "be disposed of for the common benefit of the United States," that they should be thus disposed of "at such times and under such regulations as shall be agreed on by Congress," and that they should "be formed into distinct Republican States" which should become "members of the Federal Union." Those principles were enunciated years before the title of the United States to those lands had been finally confirmed, and before there was any definite delimitation of the lands which the United States intended or expected to acquire. These principles were therefore established for property not only *in esse* but also merely *in posse*. They were made for the regulation and disposition of whatever lands might in future be acquired. It is true that act of the Continental Congress long antedated the Constitution, and was not repeated in the latter. But it was an act of the people, through their representatives, expressive of their rights, powers, and intentions, and as there was no denial nor modifica-

tion of it in the Constitution it logically remained valid, the expression of one of the "reserved powers" of the people, or of the nation. As soon as the Ohio country was finally secured by the Treaty of Paris in 1783, Jefferson made haste to give those principles practical force in a law applying them to that territory — the famous Ordinance of 1787. Certainly it would have been quite logical to do the same again in the case of Louisiana.

Opposition to the treaty was, however, bitter and persistent; based not upon technicalities but upon general principles of expediency. One declared Louisiana was too remote from the national capital; its settlers from the states would become aliens; they would presently separate themselves from the Union. Jefferson himself seemed to regard it as quite possible, and as not altogether undesirable, that there would in time be a separate republic established in the Mississippi Valley. Others argued that the United States already had territory enough; that the people of Louisiana were aliens to us in race, tongue, and creed; that the addition of that vast and fertile territory to our domain would draw people away from the eastern states and leave the latter uninhabited wildernesses; that the price to be paid was far beyond our ability to pay and was far more than the territory was worth; and that the whole business was a bit of Presidential usurpation, which Congress ought not

to sanction, lest it lead to a dictatorship and despotism.

Such were the arguments upon which the changes were vigorously rung. Senator White, of Delaware, declared: "As to Louisiana, this new, immense, unbounded world, if it should ever be incorporated into this Union, which I have no idea can be done but by altering the Constitution, I believe it will be the greatest curse that could at present befall us. . . . I would rather see it given to France, to Spain, or to any other nation of the earth, upon the mere condition that no citizen of the United States should ever settle within its limits, than to see the territory sold for a hundred millions of dollars and we retain the sovereignty." Senator Pickering, of Massachusetts, conceded the power of the United States to acquire and hold territories as territories, but insisted that no mere two-thirds vote would be sufficient to incorporate them into the Union. "He believed the assent of each individual state to be necessary for the admission of a foreign country as an associate in the Union; in like manner as in a commercial house the consent of each member would be necessary to admit a new partner into the company." Senators Tracy and Hillhouse, of Connecticut, and Senator Wells, of Delaware, expressed similar views. But these were all in that branch of Congress. Their five votes were recorded against the purchase, while twenty-six were in its favor. In

the House of Representatives the debate was much more prolonged, the opposition being ably led by Roger Griswold, of Connecticut, and Samuel L. Mitchill, of New York, and the treaty being advocated and defended by John Randolph, of Virginia, and Cæsar Rodney, of Delaware. Resolutions approving the treaty and recommending the enactment of legislation for its fulfilment were finally adopted by a vote of 90 to 25.

Thus strongly was the great transaction approved by the representatives of the states and of the people of the United States. The debates were renewed in great detail over subsequent bills for the division and government of the territory, but those measures were similarly carried. The fact is that the objections to annexation were largely discounted by the circumstance that they were put forward by Federalists who had formerly supported Hamilton's schemes of continental conquest. These gentlemen were now opposing in Jefferson what they had approved in Hamilton, just as Jefferson himself was now advocating what he had formerly condemned when it was proposed by Hamilton. Their opposition was therefore regarded as political and factional, and not as patriotic or inspired by principle. Moreover, they were effectively answered by counter-arguments, based both upon constitutional principle and upon the practical advantages to be gained for the country from the proposed step. As we have

seen, the treaty triumphed. Livingston and Monroe had exceeded Jefferson's instructions to them, and Jefferson had acquiesced. Jefferson had exceeded the authority given to him by Congress, and Congress acquiesced and ratified his "usurpation." If in doing so Congress exceeded its Constitutional power — but it did not — the people acquiesced, and the logic of subsequent events has splendidly vindicated the whole procedure.

Meantime the acquisition of Louisiana was made effective by actual occupation. Never yet had Spain transferred the government to France. This had to be done before France could surrender it to the United States, and it was done, with little ceremony, on November 30, 1803, a wretchedly stormy day, which circumstance the sentimental Spaniards regarded as emblematic of their grief at being severed from the Iberian realm. The transfer to the United States was made on December 20 following. The United States Commissioners who received the sovereignty from the French officials were W. C. C. Claiborne, the able and tactful governor of Mississippi, and Wilkinson, the detestable traitor who at that time dishonored the American army by being its commanding general. The day was clear and bright, and the scene in the Place d'Armes in New Orleans was a picturesque one, with throngs of aristocratic Creoles in gay-colored silks and velvets, negro slaves, French and American soldiers in full uni-

form, and backwoodsmen in buckskins and red flannel. A huge Tricolor floated at the top of the flagpole, and a new Stars and Stripes of equal size lay on the ground at its foot. A French soldier and an American began together pulling at the halyards. The French flag slowly descended and the American flag slowly rose. Midway on the pole they met and for a moment fluttered side by side. At that instant a single gun was fired, to denote the exact moment of the transfer of sovereignty. Then the deposed French flag descended and disappeared, while the triumphant American flag rose to the top of the pole, and every gun in the city roared forth a national salute. Thus simply but irrevocably the deed was done. Thenceforth forever the continent was ours, from the margin of the Atlantic Ocean to the crest of the Rocky Mountains. The nation had mightily entered in through the open door and had taken possession of a mighty realm. But in so doing it had opened, or demanded and made necessary the opening of, yet other doors, with consequences of inestimable moment.

After acquisition, government. In time Louisiana was to become an autonomous state of this Union. But that time was not yet, and meanwhile the territory must have some government. Congress had under the Constitution the power to make laws for it. But Congress did not do so for some months. In the interim, Jefferson, with Congressional

authorization, appointed Claiborne, the governor of Mississippi, to be governor at New Orleans, with "all the powers heretofore held and exercised by the Governor-General and Intendant of the Province." In this was involved another amazing self-contradiction. Jefferson had, in the Declaration of Independence, spoken of governments among men as "deriving their just powers from the consent of the governed." This was one of those expressions which Rufus Choate afterwards described as "glittering and sounding generalities of natural right," but it formed and still forms an effective catchword, and like "that blessed word Mesopotamia" is often repeated as an eternal verity by those who never approximate to serious consideration of its meaning, or lack of meaning. Taking it, however, for the moment, at its apparent face value as an expression of Jefferson's creed, it is to be observed that in this Louisiana business he violated it in as flagrant a manner as George III could ever have done under Lord North's most purblind and malign encouragement. He violated it in the act of purchase. The sovereignty of Louisiana, and of the tens of thousands of civilized inhabitants of European origin, was bought and sold as one would buy and sell so many pounds of cheese, without ever asking the consent of a single one of those inhabitants, or even letting them know what was being done until it was done past recall. The people of Louisiana were not consulted about

their transfer from French to American sovereignty, nor were they consulted about their subsequent status. Nobody asked them if they wished or consented to be made citizens of the United States and to have their territory admitted into the Union. That provision was inserted into the treaty without their consent and without their knowledge. A man buying a horse and agreeing to keep him in a certain stall could not be less regardful of the "consent of the governed" than was Jefferson in buying Louisiana. Nor did the repudiation of his "glittering generalities" stop there. The Jeffersonian Congress, with John Randolph at its head, unhesitatingly voted to place the government of the territory for a time in Jefferson's hands, without restraint. He was made the absolute autocrat of the whole region and of its inhabitants. The President of the United States was endowed with all the despotic powers of the king of Spain, and he in turn made his governor as arbitrary as a Spanish captain-general!

So matters went on until the end of March, 1804, when Congress enacted a regular territorial law for the government of Louisiana until it was ready for statehood. In that law little attention was paid to the "consent of the governed." The people were not to govern themselves. They were to have no voice in their government. They were to be entirely subject to a governor and council of thirteen members, all appointed by the President of the United States. Nor was the government thus

established over them so benevolent as to win their unreserved approbation. On the contrary, it was highly unsatisfactory to them. They held a mass meeting to protest against it. They complained that the province had been divided into two territories without their consent; that English had been substituted for French as the official language; that their right to trial by jury was restricted; that their titles to land were questioned; that their slave trade was suppressed; that they had no appeal from their governor's decrees; and that they did not like their governor, anyway. In one or two of these particulars they had probably some ground for complaint. Generally speaking, however, they were simply trying to hold fast to their privileges and customs under their old government and at the same time secure all the advantages of the new one. Congress was indulgent, however, and in January, 1805, passed another law, giving them the suffrage and an elected Legislature, at which they again grumbled and protested because they were not immediately received into statehood. In this second stage of territorial government, however, without their consent, they were compelled to remain until April 10, 1812, when they were finally admitted into the Union. For all these years they were governed without their consent, at the instance of the author of that resounding phrase concerning the "consent of the governed."

The disputes which arose over the original purchase of Louisiana were renewed with, if possible, added vehemence, when the time came for erecting a part of the territory into a state of the Union, the present state of Louisiana. There had been some reluctance and, on the part of some, positive opposition to the creation of new states out of the territory between the Alleghanies and the Mississippi. That territory, however, had been the property of the states from the beginning, and its extent was fixed and the number of states that could be formed from it was limited and known. It was a far different matter to create new states out of newly acquired territories of unknown extent, when there was no telling how many such states might thus be made if once the example were set. And when all the Louisiana territory was divided into states and taken into the Union, there was no telling what other lands might not be conquered or purchased and erected into states in the same way, until the original thirteen states were reduced to a small minority of the Union. That is, of course, precisely what has happened, the original states being now less than one-third of the whole number. To the statesmen of a century ago, or to some of them, this was a most formidable, portentous, and indeed damning outlook. It seemed as bad to them as the acquisition and possession of insular colonies seems to equally wise and conscientious statesmen of the present day.

It seemed, moreover, not merely a piece of bad judgment, but also a technical violation of the Constitution, and a subversion of the principles upon which the Republic had been founded. In the Congress of that time there was perhaps no man more truly representative of a widespread and well-matured opinion, and none personally more respectable in character and intellectual attainments, than Josiah Quincy, of Massachusetts, afterward a distinguished president of Harvard College. Speaking in January, 1811, upon the proposal to erect the territory of Orleans into the state of Louisiana, he declared that it was a matter which materially affected the rights and liberties of the whole people of the United States. It appeared to him to be sufficient to justify a revolution throughout the country, and he had little doubt it would before long cause such a movement. He was disheartened to note the futility of opposition. "I am," he said, "almost tempted to leave my country to its fate. But while there is life there is hope. . . . I will yield to no man in attachment to this Constitution; in veneration for the sages who laid its foundations; in devotion to those principles which form its cement and constitute its proportions. What, then, must be my feelings — what ought to be the feelings of any man cherishing such sentiments, when he sees an act contemplated which lays ruin at the root of all these hopes? — when he sees a principle of action about

to be usurped, before which the bonds of this Constitution are no more than flax before the fire or stubble before the whirlwind? . . . I am compelled to declare it as my deliberate opinion that, if this bill passes, the bonds of this Union are virtually dissolved; that the states which compose it are free from their moral obligations; and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation — amicably if they can, violently if they must."

For this amazing utterance, which at this distance seems extraordinary and at the moment doubtless appeared to savor of treason, Quincy was called to order by Poindexter, of Mississippi. But he defied the remonstrance, and, in order to make his words more unmistakable and emphatic, he put the closing sentences into writing. The Speaker of the House thereupon intervened with a decision to the effect that while the earlier part of the speech was in order, the concluding sentences, in which Quincy referred to the duty of the states, was not in order, and must be withdrawn. Against this ruling Quincy appealed to the House, and was sustained by it, by a vote of fifty-six to fifty-three. Thus was the right of secession first declared on the floor of Congress — though Jefferson and others had elsewhere openly proclaimed it long before. It was made by a man from Massachusetts. It was rebuked by a man from Mississippi. And it

was declared by a majority of the House to be admissible and in order!

But even Quincy's outbreak was not the most remarkable feature of that remarkable occasion. We have seen that in the acquisition of Louisiana Jefferson in more than one important respect repudiated his own doctrines. But the most extraordinary piece of self-reversal was reserved for Jefferson's chief Congressional lieutenant, John Randolph, of Roanoke. That eminent Virginian was the foremost and most extreme champion of States' Rights, of that time and of all time. He quarrelled with Patrick Henry because the latter would not uphold States' Rights with sufficient strictness, and he regarded Calhoun as almost lukewarm in his adherence to that principle. As was later said of him, "Beyond Virginia's border line his patriotism perished." It was his conviction that in order to safeguard the rights of the original states, no new state should ever be admitted to the Union without the unanimous consent of them all. This theory, as we have seen, was also held by Pickering, of Massachusetts, and others. But Randolph went far beyond mere declaration of opinion. So earnest was he in upholding this extreme doctrine of States' Rights that he refused to vote for the admission of any new state. He would not vote for Kentucky, or Tennessee, or Ohio. Yet now he was the chief champion of the admission of Louisiana to statehood! It was he,

more than any other man, who urged through the House of Representatives approval of the Louisiana Purchase, and at a later date admission of Louisiana to full statehood regardless of the wishes of the other states. Jefferson had declared that to ratify the Louisiana purchase without amending the Constitution would be to "make it" — the Constitution — "blank paper by construction." Yet Randolph, an extreme strict constructionist, was responsible for the doing of that very thing. It was patent to all that if the President and a bare majority of Congress could add new states to the Union at will, States' Rights was a dead letter, for the Union might thus be "packed" for the accomplishment of any object, such as Constitutional denial of the right of secession. Yet Randolph, the arch-advocate of States' Rights, drove the Louisiana statehood bill through Congress with whip and spur! Later, in 1822, he realized the full consequences of his act, and frankly declared that had he realized them in advance, he would have said to France, "Take back your fatal gift!"

It was then too late. The Constitution had not, as Jefferson said, been made blank paper by construction. It had been transformed from dry and inelastic paper into a vital and progressive thing, suited to the needs of a living and growing nation. In the purchase of Louisiana, the development of constitutional principles and institutions began, national sovereignty was established, and the

original Jeffersonian theory of States' Rights was discredited. In that great act of sovereign power the United States first asserted its nationality, and established the principle which half a century later enabled it to suppress rebellion, prevent secession, and maintain the Union; though at the time and for long afterward it was not fully conscious of the purport of its deed, and to whatever extent it did appreciate it was mortally frightened at it — a veritable Young Man Afraid of His Horses.

The purchase and admission of Louisiana did even more than to establish the doctrine of National Sovereignty and to destroy that of States' Rights. It made the United States dominant in the North American continent. It secured for this nation that practical isolation from dangerous neighbors which had been the aim of the colonists from the beginning. It made the absorption of Florida inevitable. It made it possible for us to proceed with the conquest of Oregon and to gain a frontage on the Pacific Coast, which we could scarcely have done with a great alien power occupying the Mississippi Valley. It brought us into direct contact with Mexico and thus led to the acquisition of Texas and California. It gave us our paramount interest in the West Indies and shaped our policy toward Cuba and Porto Rico. It similarly gave us interests in the Pacific which forecast the annexation of Alaska, of Hawaii, and of the Philippines. It gave us our dominant in-

terest in the Isthmian Canal. It made possible the Monroe Doctrine. It opened the Pandora's box from which issued the slavery question, the Indian question, the Chinese question, the Civil War, the silver question, and many another great issue or policy of our later years. Beyond even that, it was an event of international importance as setting before the world a new and unique example of national growth. This is strikingly shown in a comparison or contrast of American expansion with that of Greece and Rome. In the Greek colonies local independence was carried to an extreme, with the result that the colonies did not strengthen, but rather weakened and menaced, the mother country. The Roman provinces, on the contrary, were too much subordinated to the centralized authority of the imperial city. Toward one or the other of these faulty extremes practically every important act or process of expansion inclined down to the time of the Louisiana Purchase. It was then the lot of the United States to set an entirely new example to the world, of a new system of expansion, in which the acquired territories became in due time sovereign and equal parts of the sovereign nation. All these things were involved in that first great act of territorial expansion. It was not merely territorial expansion. It was Constitutional development. It was the rise of American nationality to the full stature of international sovereignty.

CHAPTER V

"THE IMMUTABLE PRINCIPLE OF SELF-DEFENCE"

FLORIDA followed inevitably upon Louisiana. The Spanish power in America was now swiftly and hopelessly declining. The sale of the Louisiana territory to France had swept away the best part of its holdings in the northern continent. The plottings of Miranda, encouraged by Hamilton, had led to general revolt throughout Central and South America. Trafalgar had destroyed the might of Spain at sea. The "ever faithful isle" of Cuba, Porto Rico, and Florida, were all that was left of an empire which once embraced the hemisphere. The islands were still comparatively secure. They were not in direct contact with any other power, and they were pretty fully colonized by Spaniards. But with Florida the case was different. That territory had never been colonized or even occupied by Spain beyond a few coast fortresses. It directly abutted upon the United States throughout all of its land frontier. It was the home or the resort of various Indian tribes, of a fierce and truculent character, with which the American government was having much trouble.

It was also the resort of pirates and outlaws of every description. Practically, it was rapidly falling into the condition of a No Man's Land, an intolerable thing to have immediately adjoining a progressive and industrial community.

Moreover, alien possession of Florida made a break in the continuity of our coast-line, which was highly undesirable, and gave alien control over narrow seas which were essential highways between the two parts of our coast. Finally, there was always the possibility that Spain would sell the territory to some other power, or that it might be seized by some other, that would prove an even less desirable neighbor than Spain herself. Florida had, indeed, been held by England for twenty years, from 1763 to 1783, and had been returned to Spain in exchange for the Bahamas. In the negotiations of 1783 the United States had agreed in a secret passage in the Treaty of Paris to let England have broader boundaries in Florida than it would accord to Spain. Nevertheless, we must regard it as most fortunate for the United States that England relinquished Florida to Spain at that time. For had England retained Florida, this country would not have been able to oust her from it as it did the lesser power of Spain, and Florida would probably have remained to this day a British colony, abutting upon us at the south as Canada does at the north, to our inconvenience and possible menace.

The first dispute with Spain over Florida arose in 1805, concerning the boundary between Florida and Louisiana. Jefferson sought to settle it by purchase, as in the case of Louisiana, and for that purpose sought another appropriation from Congress. In that he did not succeed. But he expressed some decidedly expansionist and imperialist views. "We begin," he said, "to broach the idea that we consider the whole Gulf Stream as of our waters, in which hostilities and cruising are to be frowned on for the present, and prohibited so soon as either consent or force will permit us." By "Gulf Stream" he doubtless meant the Gulf itself and the Florida Straits. But it is amusing to recall, and it is a striking illustration of Jefferson's fatal lack of a sense of humor, that at the very moment when he was indulging in such "spread-eagleism," American ships were, according to his own admission, being fired upon at the mouths of American harbors, and that he was of all men probably the most extreme opponent of the creation of an American navy, desiring to limit our marine force to little gunboats that in time of peace could be hoisted upon wagon wheels, and dragged inland for storage out of harm's way. Somewhat more to the point was it that he wrote to J. C. Breckenridge, in August, 1803, that our "claims will be a subject of negotiation with Spain, and if, as soon as she is at war, we push them strongly with one hand, holding out a price in the

other, we shall certainly obtain the Floridas, and all in good time." At about the same time he wrote to John Dickinson that "the Floridas will fall to us peaceably, the first war Spain is engaged in." Thus early the United States began to contemplate the acquisition of Florida.

It was to guard against the reoccupation of Florida, or its acquisition, by some other strong power, that Congress, on January 15, 1811, adopted in secret session a resolution which we may regard as foreshadowing in a measure the Monroe Doctrine, and certainly as being the prototype of later declarations concerning Cuba, Hawaii, and other lands. The joint resolution was as follows: —

"Taking into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce,

"Be it Resolved: That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power; and that a due regard for their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they at the same time declaring that the said territory shall, in their hands, remain subject to future negotiations."

At the same time Congress enacted a law specifically authorizing the President to take possession of any or all of the territory of Florida, "in the event of an attempt to occupy the said territory, or any part thereof, by any foreign power." To that end he was authorized to employ the army and navy of the United States, and the sum of $100,000 was voted for defraying contingent expenses. Accordingly, General Matthews, commanding in Georgia, was instructed to let no foreign power gain a footing in Florida. Practically, Congress was thus declaring war in advance against any nation that should try to purchase or conquer Florida, and war against Spain herself if she should try to sell that territory.

In assuming this high-handed attitude, Congress was enunciating another of the sovereign rights of a nation, namely, the right of self-defence and self-preservation. "Salus Reipublicæ Suprema Lex." And that right was to be exercised even to the extent of invading the sovereign rights of another nation. Spain was unquestionably the owner of Florida. Her title to it was as indefeasible as ours to Georgia. As the sovereign owner of it, she had the right to sell it to any buyer. Her right to do so was as unquestionable as our right to purchase Louisiana of France. Yet the United States did not hesitate to traverse that right and title of the Spanish crown, by saying that it should not sell Florida to any other power. Upon no conceivable

principle of law or morals could that declaration of the United States be justified, save that "higher law" of self-protection. We would not permit Spain to do as she pleased with her own if in so doing she menaced our welfare. That, after all, was merely an application in international affairs of a principle which has long had some recognition in private and social affairs. Beyond certain limits a man may not do as he pleases with his own land or house. He may not do with it anything that injures or menaces his neighbors. The law of the land enforces that principle. International law, for obvious reasons, makes no such provision, wherefore it is left to each individual state to guard its own borders against such injury by its neighbors. It was not many years after the enunciation of this principle, which was done successfully, in the case of Florida, that the United States repeated it in the case of Cuba, and in the case of Cuba it maintained it for three-quarters of a century, at times in the face of serious opposition from some of the chief powers of Europe.

At the time of making this declaration of reversionary title to another country's property, the United States was well able to maintain against that country, if not against all comers, the somewhat audacious ground thus taken. It was strong, while Spain was weak, and the only powers likely to seek acquisition of Florida were involved in a life-or-death war. But the United States did more

than maintain that principle. It presently began to make it clear that it proposed to have Florida for its own, and that Spain's only choice was between selling it to us at our price and having us take it by force. For such an attitude no justification was to be found in the law-books. It was to be found, if at all, only on the ground of self-protection. The possession of Florida was essential to our national welfare and security. Therefore we proposed to possess it — as in the case of New Orleans, amicably if we could, forcibly if we must. Between the two cases there was that strong likeness, and there was also a suggestive contrast. Madison, Secretary of State, wrote to Livingston, Minister to France, in 1801, that the United States objected to France's acquisition of Louisiana from Spain, because France was a strong power and therefore an undesirable neighbor. Now, when Madison was President, Spain's continued possession of Florida was objected to, because Spain was a weak power, and therefore an undesirable neighbor! To paraphrase Dow's epigram on predestination: You'll be damned if you're weak: You'll be damned if you're strong. The simple fact was that the United States did not want any European power for a neighbor, save only England on the northern border, and it proposed to get rid of each one in one way or another.

There were various specific reasons, already hinted at, why it was essential to its welfare for

this country to annex Florida. One was, that the integrity of the coast-line might be secured and our control of our own coast waters be assured. Alien ownership of Florida caused a great gap in our coast-line. Many years before England had purchased New York from Holland in order to make her coast-line continuous from Maine to Georgia. At a later date Spain had maliciously tried to persuade England to retain possession of Rhode Island, so as to weaken the United States by breaking its coast-line. It was necessary to our commercial welfare and security that we should own the whole coast from Maine to Louisiana. This was the more so because of the peninsular form of Florida, and the narrowness of the passage around its southern end. An alien power holding Florida could almost entirely prevent communication by sea between our Gulf and Atlantic coasts. In these later days we have established the principle, in which the world perforce acquiesces, that whatever connection is made by an isthmian canal between the Caribbean and the Pacific must be under our control and guardianship, because it will form a passageway from one of our coasts to the other and thus be practically a part of our coast-line. Nearly a hundred years ago precisely the same principle dictated our control of Key West and the Florida Straits. It was the law of self-defence and self-preservation. We had for many years contended at great cost for use of the Mis-

sissippi. It would have been intolerable to have connection between the Mississippi and the Atlantic barred by an alien power in Florida.

Again, there was the question of the Indian tribes on the Florida border. These, the Creeks, Seminoles, and others, were among the most warlike of all the American aborigines, and their subjugation was necessary if the people of Georgia, Alabama, and Mississippi were to be secure in their homes. There was no hope, however, that Spain would subdue them, or would coöperate with the United States in so doing. She was neither willing nor able to do so. She had, on the contrary, actually incited the Indians to hostilities against us, and had supplied them with arms. The result was that Florida had become an asylum in which the savages could find safety from American pursuit, and a stronghold from which they could sally forth to ravage the American borderlands. Nor were the savages all red men. Florida became the favorite resort of a host of outlaws of all kinds, from horse thieves to pirates. It was intolerable that we should be permanently harassed by the presence of such a den at our very doors. If Spain would not or could not put and keep her house in order, so that it would cause us no injury, we would go in and do it ourselves, under that same law of self-protection.

The first important step toward the acquisition of Florida, beyond mere declarations, was taken in

1814, during that War of 1812 with England into which the United States had been tricked by Napoleon Bonaparte. There came to the fore at that time one of the most conspicuous and forceful though not most noble figures in American history of the first half of the nineteenth century. Andrew Jackson had desired to be made governor of the territory of Orleans immediately after the Louisiana Purchase, and had been strongly supported for the appointment by the Tennessee delegation in Congress. Jefferson declined to appoint him, however, distrusting his arbitrary and violent temper; on which account Jackson afterward made a bitter attack upon Jefferson, thus unconsciously confirming the grounds of Jefferson's disapproval and distrust of him. In 1805 Jackson became interested in Aaron Burr, and narrowly escaped becoming his partner in his "southwestern empire" escapade. Burr visited Jackson and made a contract with him for boats for the transportation of his expedition down the Ohio and Mississippi rivers, and Jackson, supposing the enterprise to be directed against the Spaniards, whom all Tennesseeans hated, strongly favored it and did all he could to promote it. Later he was indignant to find that Burr had really cherished hostile designs against the United States itself, though to the end he believed that superficial and unscrupulous schemer to be not nearly as bad as his enemies had painted him.

As soon as the War of 1812 broke out, Jackson, with two thousand five hundred men, volunteered for the service of the United States, and in characteristic fashion assured the Secretary of War that his men —presumably, too, himself — had no "constitutional scruples," but would not only defend New Orleans against the British but would also gladly seize Florida from Spain. His services were accepted, and then dispensed with, without the accomplishment of anything practical. In 1814, however, he was made a major-general in the United States army, and was put in command of the department of the South, with headquarters at Mobile. A little later the British occupied the Spanish port of Pensacola, in Florida, whether with or without Spanish permission did not appear, and used it as a base for operations against the United States.

This enraged Jackson and aroused in him that blind, unreasoning fury against England and the English which thereafter was so dominant a characteristic of him and which so largely directed his conduct. He wrote to the Secretary of War for permission to invade the Spanish territory and expel the British. Had he known of or remembered the Act of Congress of 1811, he might have thought himself sufficiently authorized to do so without special permission. As it was, he waited upon the word of the Secretary of War. That officer replied that he should first ascertain whether the Spanish had assented to the British occupation

or not. That reply did not reach Jackson until the end of the war, and was never acted upon. Meantime the British made a futile movement against Jackson at Mobile, whereupon Jackson took the aggressive, and without waiting for permission marched into Florida, as indeed he had a natural right to do. He quickly captured Pensacola and drove the British away, and then, a few days later, withdrew from Spanish soil and returned to Mobile. His invasion and occupation of Florida lasted only a few days. But the principle of it was the same as though it had lasted for years. He stayed there as long as was necessary to accomplish his purpose. It was the principle that we had a right to invade the dominion of another sovereign power for our own defence and safety.

This incident, of course, strongly emphasized the desirability of getting rid of Spain as a next neighbor in Florida. If Spain assented to the British occupation of Pensacola, she thus made herself England's ally and our enemy, and justified our retaliation upon her. If she did not assent to it, she was too weak to prevent it, and it was intolerable that land abutting upon us should be so weakly held that a strong power might at any time use it as a base of hostile operations against us. In either case, self-defence justified our seizure of it and pointed unerringly to our permanent acquisition of it as the only satisfactory solution of the

problem. The precedent set by Jackson at Pensacola was not abandoned nor repudiated, but was made effective and enduring.

Three years later another and more significant step was taken by the United States. A notorious scoundrel named John Aury, at the head of a gang of smugglers, slave-traders and pirates, had made his headquarters on the island of Galveston, on the Texas coast, then in the possession of Spain though the title to Texas was still in dispute. Disregarding Spanish sovereignty, since it did not make itself effective for the suppression of the nuisance, the United States sent a naval expedition to Galveston, invaded the Spanish territory, and drove away the outlaws. The latter then fled to Amelia Island, on the Florida coast, and under the nominal sovereignty of the Spanish flag continued the practice of deviltry, to the great annoyance and injury of the United States. Protests to Spain would have been vain, though continued to doomsday. President Monroe therefore adopted the heroic course. "The right of self-defence," he declared, "never ceases. It is among the most sacred, and alike necessary to nations and to individuals." Relying upon that natural right, and finding his technical and official authority in the law enacted by Congress in 1811, he sent naval and land forces to invade Spanish territory, occupy Amelia Island, and break up that pirates' nest at whatever cost. This was done

in 1817. Aury wanted to negotiate. The American commanders replied that they were sent thither to obey orders and to do their work, not to talk about it or to discuss matters with any one. "We propose to land a force," they said, "and to hoist the American flag." They did so. The Spanish government protested against such an infringement upon its sovereign rights. Technically its protest was well founded. But technicalities did not count against the law of self-defence, a law superior to any on the statute-book or in any treaty. The American flag was kept flying on Amelia Island, and never was hauled down.

The next year, in 1818, another invasion of Spanish territory, for a similar purpose, was made. During the War of 1812, various British officers in Florida had stirred up the Indians and fugitive negro slaves to hostility against the Americans just across the border in Georgia, and the Spanish themselves had regarded such doings without disfavor. At the end of the war a fort containing a considerable quantity of arms and ammunition was abandoned by the British, upon the Appalachicola River. This the negroes took possession of, and used as a base of operations against the United States. Spain was busy with vain endeavors to quell revolution in her Central and South American colonies, and was unable, even had she so desired, to maintain order in Florida, and to protect the United States from border ravages. Jackson

was accordingly appointed to command in Georgia to protect that state. In December, 1817, he wrote to Monroe, saying, "Let it be signified to me that the possession of the Floridas would be desirable to the United States, and in sixty days it will be accomplished." This course he urged, "as an indemnity for the outrages of Spain upon the property of our citizens."

Just what reply Monroe made to him has never become known, though it has formed the theme of much dispute. It seems impossible that he could have approved Jackson's suggestion. But whatever Monroe said, Jackson acted as though he had received authority to proceed with the invasion if not with the actual conquest of Florida. He moved his army close to the Florida line in 1818, and had supplies sent around by sea and up the Escambia River, through Spanish territory, telling the Spanish authorities bluntly that if they interfered with such use of their territorial waters, it would mean war. Such conduct did not from the American point of view at that time necessarily mean a violation of Spanish rights. It has been insisted upon by the United States for many years that one nation had a natural right to navigate a river through another's territory. Jefferson had, as we have already seen, asserted that right in the case of the Mississippi River. He also put forward the same declaration specifically concerning the Escambia and other rivers crossing Florida.

In his letter to John Dickinson, of August, 1803, already quoted, he said: "We shall enter on the exercise of the right of passing down all the rivers which, rising in our territory, run through the Floridas. Spain will not oppose it by force." Of course, if we had the right to pass down those rivers, we had also the right to pass up them. Spain, however, never conceded our natural or legal right to such navigation, and if she did not oppose it with force it was only because she was not strong enough to do so. Our assertion and exercise of that right, moreover, must be regarded as an application of the law that might makes right, or at least of the law of self-protection and defence as superior to any statute or treaty law, and there is little reason to suppose that the United States would now concede that right to another nation on one of our own rivers.

Jackson did not, however, content himself with the invasion of the territorial waters of Florida. In 1819 he also invaded the land. He marched his army across the frontier, seized the town and port of St. Mark's, and established a government there under the American flag. Later he did the same at Pensacola. In the course of five months he practically accomplished the conquest of Florida. In doing so he exhibited all the arbitrary authority of an old-time conquistador, and not a little of the latter's cruelty and disregard for justice. His administration at St. Mark's was stained with

the practical murder of four men. Two of these were Indians, who were probably guilty of nothing more than open warfare against the United States, if even of that, and were at least entitled to be treated as prisoners of war. Jackson summarily hanged them.

The others were British subjects. One of them, Arbuthnot, was an elderly merchant, of unblemished character and reputation. Jackson accused him of inciting the Indians to hostilities and of aiding them. There was no proof that Arbuthnot had done anything of the sort, or any illegal act whatever, but Jackson sent him to the scaffold. The other, Ambrister, was a young adventurer of dubious antecedents. The same accusations were made against him. He was probably culpable to some extent, but the court did not take a very grave view of his offences, for after first sentencing him to be shot it commuted the sentence to being flogged and then imprisoned for a year. Jackson, however, arbitrarily set the sentence aside, and sent Ambrister to the gallows. He attempted afterward to justify his act on the ground that the men were engaged in war against the United States while England, of which they were subjects, was at peace with us, and that any man who engaged in a war to which his own government was not a party was a pirate and an outlaw! In this, his facts were dubious, and his law absolutely indefensible. The inevitable conclusion is

that these men were victims to Jackson's violent and unreasoning temper, and to his rabid suspicion and hatred of England.

This tragedy brought the United States painfully close to war with both England and Spain. There would doubtless have been war if Spain had not been too weak to wage it and England exceptionally forbearing. The President and all his Cabinet save John Quincy Adams at first wanted to repudiate Jackson's conduct, and make whatever reparation and apology they could for it. But Adams took a different view of the case. Although he was Secretary of State and thus would have to bear the burden of settling matters with Spain and England, he insisted upon standing by Jackson, upon the ground that in invading Florida and suppressing disorder there the United States had done only what Spain herself ought to have done; and the fact that Spain had thus neglected her duty debarred her from calling into question the conduct of the power that had done the work in her stead. This vigorous policy was adopted by the government at Washington, and was on the whole approved by the people of the United States on what Jackson himself called "the immutable principle of self-defence."

Monroe told Jackson that he had transcended the limits of his orders, but he did not blame him for so doing. "You acted," he said, "on facts and circumstances which were unknown to the

Government when the orders were given . . . and which you thought imposed on you the measure as an act of patriotism, essential to the honor and interests of your country." Just so Jay, Adams, and Franklin in 1783 had transcended the limits of their orders. Just so had Livingston and Monroe done in 1803. Thus was the principle practically established that the man who is doing the work at the front knows better than the man at the rear or at a distance how the work should be done, and how unforeseen contingencies should be dealt with, and that he is, therefore, to be justified in acting upon his own responsibility, beyond the limits of his orders, and even in direct violation of those orders. That doctrine may seem perilous, but it is essential, and it is as valid and as applicable in our own present time as it was a hundred years ago. So to the roll of patriotic order-breakers, bearing the names of Jay, Adams, Franklin, Livingston, Monroe, and Jefferson, we must add that of Jackson, though with far less honor. Had it not been for the younger Adams, indeed, Jackson would have been rebuked and repudiated, and it was quite characteristic of Jackson that he afterward repaid Adams for his generous and chivalric championship of him with insult and slander.

At the very time when Jackson was thus waging his strenuous campaign in the field, diplomacy was busy at Washington, seeking an amicable and permanent settlement of the issues between Amer-

ica and Spain. The Spanish government was made to realize that it would not be permitted to dispose of Florida to any other country than the United States, that it could not much longer retain that territory for itself, that it had to choose between selling it to the United States for a price and having the United States take it by force and perhaps without paying a dollar for it, and finally that Spain would be held accountable for the damages done to United States citizens by the disorders on the Florida frontier. It sensibly decided to sell out on the best terms it could make, and set about it in a shrewd and competent manner.

The negotiations at Washington were conducted by the Spanish minister there, Don Luis de Onis. He was a thorough man of business and man of the world, cold, calculating, resourceful, and quite unscrupulous. There was no factor of persuasion or trick of intrigue of which he was not past master. There was no means which would not, in his estimation, be justified by the end of gaining advantage for his country. Happily, he had in John Quincy Adams a foeman worthy of his steel and, indeed, a little more than a match for him. Adams was his opposite in many respects, especially in manners and morals. In no respect was he his inferior in ability or adroitness. Nor was Don Luis the only opponent with whom Adams had to reckon. Let the *laudator temporis acti* see to it! There were in those days the same unhappy jeal-

ousies, rivalries, and intrigues which in these later years so mar our politics and cause the unthinking to lament the decline of public spirit and of patriotism. In those days men had already learned to jeopard national interests for private spite or private gain, as indeed Lee and Conway and Gates and Arnold had done more than a generation before. There were those, including men of foremost place and of great and honorable fame in our national annals, who for the mean sake of factional advantage or personal preferment sought to embarrass the Secretary of State in his negotiations with a foreign power, and who preferred that that foreign power should gain a victory over the United States rather than that a rival of whom they were envious should gain the prestige of winning success for this country. This Adams himself felt keenly. He knew that at least one of his colleagues in Monroe's Cabinet was intriguing to compass if possible the failure of the negotiations over Florida, in order that by thus discrediting the State Department he might spoil Adams's prospects and consequently improve his own of succeeding to the Presidency. Incredible meanness and moral treason, such conduct seems to us now, through the perspective of fourscore years. Yet we have seen similar conduct in our own day, neither more nor less base.

Adams, however, was equal to the occasion, and triumphed over both foreign foe and domestic

malice. In reviewing his dealings with Don Luis de Onis we are reminded of Huxley's definition of a well-cultivated mind as "a clear, cold logic-engine." Don Luis himself was not more cold and calculating than this otherwise warm-hearted and impulsive New Englander. Adams studied the various factors in the case as though he were solving a problem in mathematics, and when he had accurately measured his own strength and that of his opponent he stood his ground as inflexibly as the granite of his native hills. He declined a British offer of friendly mediation, with gratitude but with firmness. This was a controversy, he declared, in which nobody on earth was concerned but America and Spain, and America and Spain must settle it between themselves without intervention. He stated his terms to Spain, and would not yield a single detail. In his terms he had, indeed, made one concession. That was that the disputed western boundary of Louisiana, which France had never assumed to fix and which remained undefined in our treaty of purchase, should be drawn at the Sabine River instead of the Rio Grande del Norte. Thus Texas was reserved to Spain, and therefore to Mexico, to be the subject of a later controversy. But Adams would make no other concessions, and finally his indomitable resolution wore out the Spanish minister, and the latter yielded. The treaty was signed on February 22, 1818. Two days later, despite all factional in-

trigues, it was unanimously ratified by the Senate. The Spanish government, however, refused to ratify it, on the grounds that the United States had attempted to put upon the treaty some unwarranted interpretation of its own, and had tolerated or protected an expedition against the Spanish province of Texas. These grounds were declared by President Monroe to be unsubstantial and insufficient to justify refusal to ratify the treaty. "By this proceeding," he added in his message to Congress upon the subject, "Spain has formed a relation between the two countries which will justify any measures on the part of the United States which a strong sense of injury and a proper regard for the rights and interests of the nation may dictate. . . . From a full view of all circumstances, it is submitted to the consideration of Congress, whether it will not be proper for the United States to carry the conditions of the treaty into effect, in the same manner as if it had been ratified by Spain."

Congress did not, however, authorize such strenuous conduct, but exercised admirable patience, and presently Spain sent over another minister to negotiate a new treaty on more favorable terms. Toward him, General Vives, Adams assumed and maintained an attitude of chilling indifference. He had made it plain to the Spanish government through Don Luis de Onis what the United States would do and would not do. There could be no

concessions nor modifications. He would not even enter into a discussion of any. The American ultimatum had been presented. It was for Spain to accept it or to reject it, and take the consequences; and she must do so without parley or negotiation. The Secretary of State of the United States of America had other work to do, and had neither the time nor the inclination to indulge in endless chafferings over the matter.

This was a high and mighty attitude for the young Republic to assume toward one of the oldest and proudest of European monarchies, but it was justified in morals and in the event. General Vives hesitated, remonstrated, threatened, and finally yielded. The granite resolution of Adams wore out the pride of Spain. Nearly two years after the signing of the treaty by Don Luis de Onis a second one was signed by General Vives. It was an exact duplicate of the former one, save that the remorseless and inexorable Adams inserted into it a penalty which Spain must pay for her delay, in the specific annulment of extensive Spanish land grants in Florida. This treaty was promptly ratified by the Spanish king and Cortes. It was also ratified by the United States Senate. Like its predecessor, it was subjected to secret and open attacks by factional and personal enemies, but in the end only four votes were cast against it, and not one of them was inspired or governed by principle.

Thus the United States secured the whole of Florida, for a sum not exceeding $5,000,000, which was to be paid not to Spain, but to American citizens in satisfaction of their claims against Spain. Practically, therefore, it was a conquest rather than a purchase of Florida. The United States simply took possession of that territory as compensation for the injuries done to its citizens. That was precisely the course which Jackson had proposed years before; only it had been effected under the guise of diplomacy and not by outright force. Thus was secured for the United States all the North American continent south of the Great Lakes and east of the Sabine and Red rivers and the Rocky Mountains, with an unbroken coast-line from the St. Croix to the Sabine. Thus, also, the United States gained a dominant frontage upon the Gulf of Mexico, and a paramount interest in the West Indies. The possession of Florida gave us control of the Florida Straits. It also gave us a keen interest in the great island which lay just south of those straits, and prompted Jefferson, in his retirement at Monticello, to advise, and Adams, in his office as Secretary of State, to declare to the world that the same reversionary title which we had maintained in Florida would thereafter be established and maintained over Cuba, so that the sale, conquest, or other transfer of that island would not be permitted. From these same circumstances, also, arose our vital interest in the proposed canal

across the Central or South American isthmus, which finally led to the enunciation of the policy of "an American canal under American control," and practical announcement that no other power than ourselves would be permitted to construct and control such a waterway. Again, from this acquisition of Florida, and from the "immutable principle of self-defence" which prompted it and justified it, arose a few years later that Monroe Doctrine which for three-quarters of a century has been a dominant note of our foreign policy.

We have seen that in relation to Florida the American government laid down the principle that the transfer of that territory to other European sovereignty was inadmissible. It must remain Spain's or become ours. The same principle was next adopted concerning Cuba. The next step was perfectly logical. It was taken in July, 1823, when Adams bluntly told the Russian minister, Baron Tuyl, that "we should contest the right of Russia to any territorial establishment on this continent, and should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments." In that bold utterance was the potent germ of the Monroe Doctrine proclaimed nearly five months before Monroe embodied it in his message and gave it to the world to be known forever after by his name. Beyond doubt the Monroe

Doctrine was made possible and necessary by our territorial expansion.

The Florida annexation had other important results. It left the title to Texas, which France had been willing for us to take if we could in taking Louisiana, to Spain, and so entailed upon us a later conflict for the acquisition of that territory. It also gave us a nominal title to a frontage on the Pacific Ocean, which we had long before taken steps to secure. The treaty with Spain ceded to the United States all lands north of the forty-second parallel and west of the Rocky Mountains, to wit, the present states of Oregon, Washington, and Idaho, and parts of Montana and Wyoming, to which, indeed, we already had title by virtue of discovery and exploration. Thus the United States was confirmed as a Pacific power, and in interests which in time led to the famous Oregon dispute, to the annexation of Alaska, to the acquisition of Hawaii, and to the conquest of the Philippines.

It is instructive to recall that the annexation of Florida renewed some of the constitutional and legal controversies which had been raised in the case of Louisiana. As in the Louisiana treaty, it was stipulated that the inhabitants of Florida should enjoy religious freedom, and, if they so elected, might remove to Spanish territory elsewhere. If they did not thus remove, they were to be "incorporated in the Union of the United States

and admitted to the enjoyment of all the privileges, rights, and immunities of citizens of the United States." Here was another demonstration of the fact that annexation did not, *ipso facto*, bring territory and its inhabitants into the Union. Had it done so, the stipulation of religious freedom would have been superfluous, since that was guaranteed in the Constitution. Again, the first American government set up in Florida was entirely regardless of constitutional prescriptions and limitations. Jackson was appointed governor in the spring of 1821, and forthwith gave an illustration of the policy which he would have pursued in Louisiana had Jefferson made him governor there. He was invested, in the act of appointment, with the despotic powers of a Spanish governor or captain-general, and he exercised those powers with unbridled rigor. He was Legislature, Executive, and Judiciary, all in one. He denied the right of the writ of *habeas corpus*, and expelled arbitrarily those who ventured to criticise him for so doing. Nor did he thus exceed his powers or break his orders. The President and Cabinet agreed that in denying the privilege of *habeas corpus* he was within his authority, since the Constitution and laws of the United States were not yet extended to Florida.

Thus again was enunciated the principle, which some have strongly challenged in these later days, that the Constitution is the fundamental domestic law of the states and of the states alone, in their

federal relations, save as it may be specially and specifically extended beyond them by their act, and that the nation is entirely competent to acquire and to hold other territory, outside of the union of states, and to do so entirely outside of the principles and control of the Constitution. That principle is absolutely logical and reasonable, and the denial of it is as illogical as it would be to say that the members of a firm or corporation must maintain precisely the same relations toward their employees that they do toward each other.

There is no doubt as to the mind of the "Fathers of the Constitution" upon this subject. Gouverneur Morris, for example, one of the foremost of them, who drafted the clause giving to Congress the power to make laws for and to dispose of the territory belonging to the United States, declared that he "always thought, when we should acquire Canada and Louisiana, it would be proper to govern them as provinces and allow them no voice in our Councils." Thomas H. Benton, in the next generation, held and expressed the same view. Daniel Webster, the "great expounder," in a suit before the United States Supreme Court, which was decided in his favor, cogently argued as follows: "What is Florida? It is no part of the United States. How can it be? How is it represented? Do the laws of the United States reach Florida? Not unless by particular provisions. The territory and all within it are to be governed

by the acquiring power, except where there are reservations in the treaty. . . . Florida was to be governed by Congress as it thought proper. What has Congress done? It might have done anything. It might have refused a trial by jury, and refused a Legislature." Coming on to a still later date, Stanley Matthews, a justice of the Supreme Court of the United States, in an opinion upon a polygamy case in Utah, also declared that "the people of the United States, as sovereign owners of the national territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated. . . . It rests with Congress to say whether in a given case any of the people resident in the territory shall participate in the election of its officers or the making of its laws." The same principle was expressed by Justice Morrow, of the United States Circuit Court, in a decision on an Alaskan case, as recently as 1898. He spoke of "the well-established doctrine that the Territories of the United States are entirely subject to the legislative authority of Congress," and added: "They are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law, but are the creation, exclusively, of the Legislative department and subject to its supervision and

control. The United States, having rightfully acquired the Territories, and being the only government which can impose laws upon them, has the entire dominion and sovereignty, national and municipal, federal and state."

Thus this important principle has been consistently maintained for a full century. It began with Louisiana in 1803, and is maintained in Porto Rico, Alaska, and the Philippines in 1903. It is exactly true, as Daniel Webster said in February, 1849, in the course of a great senatorial debate with Calhoun: "We have never had a territory governed as the United States is governed. . . . Our history is uniform in its course. It began with the acquisition of Louisiana. It went on after Florida became a part of the Union. In all cases, under all circumstances, by every proceeding of Congress on the subject, and by all judicature on the subject, it has been held that territories belonging to the United States were to be governed by a constitution of their own . . . and in approving that constitution the legislation of Congress was not necessarily confined to those principles that bind it when it is exercised in passing laws for the United States itself."

Innumerable other authorities might be cited to precisely the same effect. It is not necessary. The fact is indisputable. The United States is a sovereign nation, and as such it possesses all the powers and attributes of perfect sovereignty, in-

cluding that of holding and governing territories — provinces, colonies, dependencies, or whatever they may be called. That is the fact of the Constitution. That is the fact concerning the purpose and intent of the makers of the Constitution. That is the fact concerning the exposition, construction, and application of the Constitution for more than a century. Whether the principle is theoretically right or wrong is not the point of present issue. The essential consideration is that it is the fact, and that in the maintenance of that fact and that principle to-day no new departure is involved. Rather are they the revolutionists, seeking new and untried paths, who demand the adoption of a contrary course of action.

CHAPTER VI

AGGRESSION AND CONCESSION

Texas and Oregon, though widely separated in geography, are inseparably connected in history. The direct interest of the United States began in one of them and was reasserted in the other at the same time. It was Jefferson's acquisition of Louisiana that brought us into immediate contact with Texas, and, indeed, with a disputed boundary between us and it, and it was the Lewis and Clark expedition, despatched at the same time by Jefferson, that strengthened the title of the United States to Oregon which had been founded upon the discoveries and explorations of Robert Gray.

Moreover, as already suggested, it was the acquisition of Louisiana that made the annexation of Oregon practicable. The Louisiana Purchase included the western part of Minnesota, Iowa, the Dakotas, Montana, and Wyoming, thus causing our boundaries to abut directly upon the Oregon territory. Without the Louisiana Purchase, Oregon would have remained geographically detached and isolated from the United States.

Again, the Texas and Oregon questions were further brought to notice and were further con-

TEXAS AND OREGON, SHOWING THE AREAS SEIZED FROM MEXICO AND YIELDED TO GREAT BRITAIN.

nected by the Florida treaty. Under that convention the United States specifically relinquished to Spain the shadowy claim upon Texas which it had received from France, and in return received from Spain full title, as far as Spain could give it, to the whole Oregon territory, to wit, all the lands west of the Rocky Mountains north of the present state of California up to the Russian possessions.

Thus bracketed together, Texas and Oregon continued to be joint objects of controversy until they were both at nearly the same time acquired by the United States. At the end, however, policies concerning them greatly differed, the one being secured through discreditable aggression and the other being partly sacrificed through scarcely less discreditable weakness.

First, Texas. In purchasing Louisiana, Jefferson purchased a boundary dispute. The treaty did not specify the limits of the territory. It merely ceded to the United States "the French territory in the Mississippi Valley, as fully and in the same manner as it had been acquired by the French Republic" by virtue of the secret Treaty of San Ildefonso. But neither did the Treaty of San Ildefonso define the boundaries of the territory which France then acquired from Spain. It referred to it merely as "the Province of Louisiana, with the same extent which it now has in the hands of Spain, and which it had when France possessed it" — to wit, previous to 1762. In 1762 it was

described as "all the country known under the name of Louisiana." As a matter of fact, its boundaries never had been determined. It seems to have come under the application of

> "The good old rule . . . the simple plan,
> That they shall take who have the power,
> And they shall keep who can."

At the east there was little dispute, save in the narrow strip along the Gulf, where there was some question as to where Louisiana ended and Florida began. North of that the Mississippi River was the undoubted boundary. At the north there was practically no dispute. Louisiana ran up to the British line. At the west there was little if any question north of the Arkansas River. The Rocky Mountains formed the boundary line. There seems to be no good authority for the theory, put forward by some, that Louisiana extended beyond the mountains and included Oregon.

But in the southwest all was uncertain and unsettled. How far did Louisiana extend in that direction and along the coast of the Gulf of Mexico? The French contention, or pretension, never practically enforced and certainly not guaranteed to the United States, was that it reached to the Rio Bravo, now called the Rio Grande del Norte and forming the boundary between the United States and Mexico. Jefferson held that view. The boundary line, he said, was the Rio Bravo, from

its mouth at the Gulf to its source in the Rocky Mountains, and thence northward along the crest of the mountains. Spain, on the other hand, insisted that Louisiana stopped at the Sabine River, which is the present boundary between that state and Texas, and that the Spanish territory extended from the Gulf northward to the Red River, thus giving to her what is now the state of Texas. Now Jefferson's chief aim was to get complete control of the Mississippi River, which was done as effectually by drawing the line at the Sabine as at the Bravo. Moreover, the country between those rivers was at that time unknown to Americans, and was supposed to be a worthless desert. Jefferson did not, therefore, insist upon establishing the boundaries of his purchase at the extreme indicated by France. Perhaps, too, there was a not unnatural suspicion that, in designating the Rio Bravo as the boundary, France was maliciously trying to involve the United States in trouble with Spain. The French government of that time was quite capable of such a trick. At any rate, the United States government let the matter lie in abeyance for some years.

It was first taken up for settlement in 1816. Madison was then President, and Monroe was his Secretary of State. Negotiations were opened with Spain for a general settlement of relations between her and the United States. Florida was the chief object of dissension, but it was proposed

at the same time definitely to delimit the Louisiana boundary. Monroe at that time expressly intimated to the Spanish government that in return for a satisfactory settlement in Florida the United States would agree to recognize the Sabine River as the western boundary of Louisiana, and would formally relinquish to Spain all claims on the territory beyond that river. To that policy Monroe absolutely committed the government. Three years later, when Monroe had become President, John Quincy Adams, then Secretary of State, resumed negotiations with Spain, and proposed to his colleagues to make an inflexible demand for the fixing of the boundary at the Rio Bravo, so as to secure for the United States the whole of Texas.

Had this course been approved and acted upon, Spain would doubtless have yielded, as she did to all of Adams's demands, and Texas would have been ours without the cost and shame entailed upon us in later years. But neither the President nor any other member of his Cabinet would agree to it. Monroe would not, because he wanted to remain consistent with his own declarations of three years before. Crawford would not, for the almost incredibly unworthy reason that he wanted to discredit Adams before the country, and thus, if possible, remove the man who more than any other stood in the way of his own presidential ambitions. The others sided with Monroe and Crawford, for one reason or another, and accordingly Adams was

compelled to abandon his project and relinquish the opportunity of securing Texas in a manly, straightforward, and moral way. In the Florida treaty the boundary was fixed at the Sabine River, and Texas was surrendered to Spain. It is one of the blots upon American history that the followers of Andrew Jackson, years afterward, with the fullest knowledge of these facts and of the broad-minded and courageous patriotism of Adams, had the brazen mendacity to declare that Adams had deliberately given away Texas in order to cripple the South!

This failure to acquire Texas attracted little attention for some years. Then the great sectional question arose, based upon the institution of slavery. New states were being admitted into the Union, and in order that the balance between free states and slave states might be maintained they were admitted in pairs, one at the North and one at the South together. Thus Maine and Missouri were taken into the Union. Then, following upon the Missouri Compromise, it dawned upon the minds of the pro-slavery leaders at the South that a grievous error had been committed in not insisting upon the possession of Texas. There was obviously more room for new states at the North than at the South. At the South they could make states of Arkansas and Florida, and they might make a slave state of Kansas. But that was all. At the North, on the other hand, were

practical certainties of free states in Michigan, Wisconsin, Iowa, and Minnesota, with further possibilities in Nebraska and Dakota. Evidently, more territory must be secured at the South, or the slave states would presently be outnumbered and outvoted. The situation became the more ominous in 1829, when Mexico, which had become independent of Spain and had succeeded Spain in the ownership of Texas, abolished slavery. Thus Texas was made a free country, and the slave states found themselves cooped in between the free states north of the Ohio River and the free states of Mexico west and south of the Sabine.

Then arose a determination to undo, by fair means or foul, the work which Monroe and Crawford had forced upon Adams ten years before. Texas must be acquired and transformed back into a slave state. This must be done to provide room for more slave states, and thus to keep the balance between North and South. Calhoun, the greatest of all the pro-slavery leaders, frankly declared that Texas must be annexed as an alternative to secession. Such annexation would strengthen the slave power and thus obviate the necessity for its withdrawing from the Union. Texas was an extensive territory, and was now known to be fertile and capable of sustaining a large population. It was reckoned that it could be divided into at least five states, with ten senators in Congress, and thus

counterbalance the five free states which were impending at the North.

In this campaign for annexation, however, recruits were readily secured from the North as well as from the South. The spirit of expansion was abroad. Men in New England and in the North generally remembered that it was Adams, of Massachusetts, who above all others had striven to maintain our title to Texas, and they were not unwilling to move for a vindication of his policy and of that title, even by force. Those were days when men liked to speak of the "manifest destiny" of the United States to "lick all creation," and to be bounded "on the north by the aurora borealis, on the south by the procession of the equinoxes, on the east by primeval chaos, and on the west by the Day of Judgment." Colonists began to flock into Texas from all parts of the Union, though chiefly, of course, from the South, and it was not long before these began to talk of declaring their independence of the Spanish-Indian Republic of Mexico, with which they had so little in common.

As early as June 23, 1819, indeed, one James Long declared Texas to be a free and independent state, though nothing came of his act. Two years later Austin planted a colony of three hundred families from the United States in Texas, with the consent of Mexico, which had just become independent of Spain. These were joined by others, and in 1826 a convention of them was held at which

another declaration of Texan independence was made. Adams was now President, and he wished, if possible, to vindicate his own former policy and to repair the fault into which he had been forced by Monroe, Crawford, and the others. So he directed Poinsett, the United States minister to Mexico, to try to purchase Texas for the sum of $1,000,000. Poinsett did not, however, make the attempt, perceiving that such a proposition would be regarded by the Mexican government as offensive and insulting.

Then the demand began to be heard, in the press and in Congress, that Texas be conquered and annexed, to which pro-slavery men added that it should be made a slave state. Generally, men spoke of it as a "reconquest" and "reannexation," and added the contemptible slander that although Texas had been purchased by Jefferson, Adams had deliberately given it to Spain, in order to restrict the slave territory and to cripple the South. It was amid such unmerited obloquy that Adams retired from the Presidency which he had so greatly adorned, and was succeeded by the rude and arbitrary Jackson, with the suave and diplomatic Van Buren as Secretary of State.

One of Jackson's or Van Buren's earliest acts was to instruct Poinsett again to try to purchase Texas, this time for $5,000,000. Poinsett made the attempt, but failed, Mexico promptly and firmly declining the offer. The Mexican government was

apparently not as much offended as Poinsett had at first thought it would be, but it was alarmed. This incident, added to the American colonists' former declaration of independence, opened its eyes to the danger before it. American colonization, it saw, would mean American conquest. Accordingly, in 1830 it forbade the entrance of any more American colonists into Texas, a prohibition which was largely disregarded. In 1832 the United States made a treaty with Mexico, in which the Sabine River was confirmed as the rightful boundary between the two countries — another vindication of Adams, ratified by the very men who had been howling against him for "giving away" Texas! Then in 1833 came the deluge. A revolution occurred in Mexico, and the whole country, including Texas, was plunged into anarchy. By 1835 Santa Anna, president or dictator of Mexico, succeeded in reëstablishing a semblance of order, and asserted his authority over most of the country, but not over Texas, which remained in full revolt against him and which recognized the time as opportune for securing its independence.

Jackson, also, thought it a good opportunity to renew negotiations for the purchase of Texas, or at least of part of it. He seems to have wanted chiefly to get an outlet to the Pacific coast, and accordingly offered Mexico $500,000 for a narrow strip of land extending across the continent north of the thirty-seventh parallel. This proposal failed,

and it began to be evident that the Texas question would be settled with the sword. On March 2, 1836, the Texan declaration of independence was formally made, and the Lone Star Flag was raised. A few days later came the hideous massacre of the Alamo, in which the insurgent American colonists were slain to a man. This tragedy aroused the fighting spirit of the United States, and from the South and West men flocked into Texas in great numbers to aid the struggling colonists. On March 17, 1836, a state constitution for Texas was adopted, reëstablishing slavery in the extremest of terms. Finally, on April 27, occurred the battle of San Jacinto, in which Santa Anna was defeated and captured, and the Mexican power in Texas was forever broken.

Nominally, however, Mexico still owned Texas, and would continue to do so until the United States either recognized and defended the independence of Texas or annexed that state to the Union. For various reasons, to be seen presently, the United States delayed doing either of these things. But the determination to do one or both of them was unconcealed. Writing in after years to William B. Lewis, his confidential friend and chief of his notorious "Kitchen Cabinet," Jackson said: "I then determined to use my influence, after the Battle of San Jacinto, to have the independence of Texas acknowledged, and to receive her into the Union. But that arch-enemy, John

Quincy Adams, rallied all his forces to prevent its annexation. . . . We must regain Texas; peaceably if we can, forcibly if we must. . . . The safety as well as the perpetuation of our glorious Union depends upon the retrocession of the whole of that country, as far as the ancient limits of Louisiana, to the United States." Thus animated, Jackson began systematically bullying Mexico, trying either to frighten her into voluntary relinquishment of her claims to Texas or to provoke her into a war in which, of course, she would be crushed, and Texas would be forcibly taken from her.

With such ends in view, Jackson sent General Gaines with an army into Texas. In July, 1836, Congress voted that the independence of Texas should be recognized as soon as that state showed itself capable of maintaining its independence effectively, which was simply a suggestion that able-bodied men from the South and West should move into Texas in sufficient numbers to be able to cope with Mexico. Meantime the government of Texas made overtures to the United States. It asked outright to be annexed. But Jackson, with all his determination to "receive her into the Union," delayed to recommend such a step. Indeed, he specifically advised delay. Why? Because the boundaries of Texas were not yet sufficiently determined. They were not extensive enough. Let Texas claim more Mexican property,

and then he would move for her reception into the Union.

This immoral hint was promptly acted upon by the American conquerors in Texas. Hitherto, Texas had claimed nothing farther west and south than the Nueces River as the boundary between her and Mexico. Now, at Jackson's suggestion, the claim was pushed to the Rio Bravo, or Rio Grande del Norte. But even this was not sufficient to satisfy the rapacity of Jackson and his followers. Mexico was actually willing, in her helplessness and despair, to relinquish her claim upon Texas and to yield to the United States the whole country, not only to the Nueces but also to the Rio Grande. But that would not now suffice. Jackson was still intent upon getting what he had tried to purchase for half a million dollars, a strip of territory running across the continent to the Pacific at San Francisco, if not the whole of California. To gain that end he kept the question open, and put forth against Mexico numerous claims for indemnities, largely trumped up for the purpose of embarrassing that country. The same policy was continued by the Van Buren administration, which succeeded Jackson's. Texas asked in 1837 to be annexed, but Van Buren declined. The reason for thus rejecting the Texan application, as given by John Forsyth, Secretary of State, was that its acceptance would have involved the United States in a war with Mexico. Upon this

reason, which may have been sincerely given by some, the known facts of history furnish a sufficient commentary.

The Van Buren administration and much of the Harrison-Tyler administration were taken up, so far as Texas and Mexico were concerned, with futile negotiations and with pretty steady preparations by the United States for a wholesale and forcible spoliation of Mexican territory. Some of the proposals have at this distance a distinctly humorous aspect. Thus, Great Britain having in 1840 offered to mediate between Mexico and Texas, and Mexico having declined the offer, the United States in Tyler's administration put itself forward as a would-be mediator. Mexico seemed to have, even in such circumstances, a sufficient sense of humor to save the situation. In 1843 there was much correspondence between the American and Mexican governments upon the subject of the annexation of Texas, Mexico making it perfectly plain that she would consider such annexation an act of unwarranted aggression upon her, which she would resist with all the force at her command. This intention was explicitly stated by the Mexican Minister for Foreign Affairs, Mr. Boconegra, on August 23, and by the Mexican minister at Washington, General Almonte, on November 3, and it was reported and commented upon by President Tyler in his annual message of December 5.

Thereafter events moved more rapidly. The

swaggering and filibustering spirit was abroad in the land. Some astute southern leaders pressed for annexation of Texas for the sake of gaining more slave states. Others, in all parts of the land, favored such action just for the sake of enlarging the Union, for the sake of beating Mexico, or for the sheer lust of war. Disregarding the protests of Mexico, the United States proceeded to negotiate a treaty of annexation with the Texan government, at the same time sending exploring parties to spy out the land for a descent upon California and a wholesale looting of Mexican territory. The treaty was completed on April 12, 1844, and was signed by the Texan commissioners, and by John C. Calhoun, who had become Secretary of State at Washington and who was the foremost advocate of the annexation of Texas for the reason already quoted.

Calhoun told the United States Chargé d'Affaires in Mexico that this step "had been forced upon the United States in self-defence, in consequence of the policy adopted by Great Britain in reference to the abolition of slavery in Texas." Seeing that the British government had only a few weeks before given the most solemn assurances that it would not interfere unduly nor assume improper authority in the matter, this statement of Calhoun's is not easy to explain; unless on the ground that he had not yet become acquainted with the correspondence which had passed between his immediate prede-

cessor and the British government. What is certain is that Calhoun entered Tyler's Cabinet at that time for the express purpose of securing the annexation of Texas, and also of dealing with the Oregon question. In the Senate, on February 24, 1847, he declared in the most emphatic manner that to himself, above all others, was due the credit for the annexation of Texas. He called it the "reannexation," adopting the spurious theory that Texas had been acquired with Louisiana and had afterward been given away by Adams. Yet Calhoun himself, and Tyler, too, had supported the Florida treaty in which, against the wish of Adams, Texas had been thus "given away"—a bit of inconsistency, if not of hypocrisy, for which Benton one day scourged them in the Senate with a whip of scorpions.

The annexation treaty was immediately sent to the Senate for ratification. Tyler and his Cabinet fully expected its prompt ratification, and it is probable that a large majority of the people of the United States would for one reason or another have approved such action. But the Senate first took the treaty under careful deliberation for some weeks, and then, on June 8, rejected it by a large majority, and Benton, one of the foremost opponents of it, introduced a resolution providing for the annexation of Texas as soon as the assent of the Mexican government could be obtained. The latter was the course which honor dictated, and

would probably have been successful had it been adopted. But Tyler and Calhoun, for reasons of their own, presently to be disclosed, would not have been content with such a settlement.

Two days after the Senate's rejection of the treaty, Tyler took the extraordinary and unprecedented step of writing to the House of Representatives, reporting the Senate's action and making appeal to the House against it. He suggested to the House that Congress was "fully competent, in some other form of proceeding, to accomplish everything that a formal ratification of the treaty could have accomplished." Thus this unscrupulous intriguer would not accept as final the judgment of the Senate upon his treaty, though the Senate was constitutionally charged with that very function, and sought to carry the matter to the House, which under the Constitution had nothing whatever to do with treaties, save to provide the means for their fulfilment when such means were needed. Surely he was thus setting a dangerous precedent. The Constitution had safeguarded our foreign relations by committing to the Senate the ratification of treaties and requiring for the purpose a two-thirds majority of that body. Tyler proposed to break down that safeguard by having a bare majority of Congress do the thing which, if done at all, should have been done by treaty.

Nothing more was done in that session of Con-

gress, but the matter was carried before the nation in one of the most remarkable political campaigns in its history. The Whigs, in opposition, nominated for President Henry Clay, then at the height of his great popularity. The Democrats discarded Tyler, in spite of his desperate efforts to secure their nomination, and selected instead as their candidate James K. Polk, a man so little known that the profane query "Who the devil is James K. Polk?" was heard on every hand and became a byword of the campaign. The Democrats adopted for their war-cry "The reannexation of Texas and the reoccupation of Oregon!" and thus made their appeal to both North and South. In their platform they declared that "our title to the whole of the territory of Oregon" (meaning up to the Russian border, in latitude 54° 40′) "is clear and unquestionable; that no portion of the same ought to be ceded to England or any other power: and that the reoccupation of Oregon and the reannexation of Texas, at the earliest practicable period, are great American measures, which this Convention recommends to the cordial support of the Union." Upon that platform was triumphantly elected the first "dark-horse" President in our history.

Tyler and Calhoun were intent, however, upon having the actual annexation of Texas placed to their credit before their term of office expired, leaving the consequences to their successors. In

the winter of 1844–1845, accordingly, they secured the adoption of a joint resolution by Congress, providing for the annexation of Texas as a state, and remitting to the United States all of that state's boundary disputes, for the nation to settle as best it could. That resolution was rushed through Congress on February 28, 1845, and was signed by Tyler on March 1, just three days before his term of office expired. Thus was the annexation of Texas effected, by the setting of a dubious precedent in the closing hours of a discredited administration. Apart from the setting of that precedent for congressional usurpation of what is usually regarded as the treaty-making power, a precedent afterward followed in the case of Hawaii, the chief feature of constitutional interest in the Texas annexation act was that it received the foreign country directly into statehood in this Union, without a preliminary and preparatory period in territorial status. Texas is the only state that was thus directly admitted to statehood.

The political effect of the annexation was what had been threatened. The Mexican minister at once left Washington, severing diplomatic relations between the two countries. Texas ratified the act of annexation on July 5, 1845, and two days later called for United States troops to protect her from possible Mexican invasion. Troops were promptly sent, but no military operations occurred for some time. Indeed, diplomatic relations were resumed

between the two countries by the sending of a United States envoy to Mexico, and it is to be believed that war might have been averted, and an amicable settlement might have been effected, on the basis of making the Nueces River the boundary between the United States and Mexico. But with such a settlement the aggressive spirit of the United States would not be satisfied. The administration insisted upon making the Rio Grande the boundary, and also upon other concessions which Mexico regarded as inadmissible. Therefore a United States army was sent across the Nueces River, into the disputed territory, and was encamped upon the very bank of the Rio Grande. In consequence, on April 22, 1846, the war with Mexico began.

We need not now follow in detail the story of that least worthy and least necessary of all the wars of the United States. Its outcome was a foregone conclusion. The Mexicans made a gallant resistance, but were overwhelmed and beaten. Their territory was invaded, and their national capital was seized. At the same time the Mexican province of California was also invaded and easily conquered. It was conquest, pure and simple; the aggression of a strong nation upon a weak one. The triumphant American army dictated a treaty of peace, which was signed at Guadalupe Hidalgo, a suburb of the City of Mexico, on February 2, 1848.

By this instrument the Rio Grande and Gila rivers were made the boundary lines between the United States and Mexico at the east and west respectively of the Rocky Mountains. The United States received Texas, and the territory now comprised in the states of California, Nevada, and Utah, and parts of Wyoming and Colorado, and the greater parts of Arizona and New Mexico. Parts of Wyoming, Colorado, Oklahoma, and New Mexico were comprised in Texas, and were afterward ceded by that state to the Union. In return for this magnificent domain, the United States paid to Mexico the sum of $15,000,000, and assumed the debts or indemnities due from Mexico to American citizens, amounting to $3,250,000 more. In the very month in which that treaty was made, gold was discovered in California.

Meantime, what of Oregon? By that name was then understood the entire territory west of the Rocky Mountains, north of California in latitude 42°, and south of the Russian possessions in latitude 54° 40′. Let us briefly review the history of that region. The original title, by virtue of discovery, doubtless rested with Spain. Apart from her general claim to the whole western hemisphere, her adventurers were the first to visit that coast. Cabrillo explored the coast as far north as San Francisco in 1542, and the next year Ferrelo ascended as far as the forty-third parallel. Others at various times went, or were driven by storms,

as far north as the fifty-seventh parallel, long before the first English ship entered Pacific waters. That splendid pirate Francis Drake was the first Englishman to visit that coast, but how far north he went is not precisely known. Thereafter for many years all that part of the world was utterly neglected. The next invasion of it was made by Russia, and between 1741 and 1770 that power explored and took possession of the coast as far south as latitude 54° 40′, the Spanish title to all south of that point being unquestioned. The English explorer Captain Cook went thither in 1778, but merely followed in the wake of Spaniards and Russians. French explorers also went thither, and, like the others, landed and proclaimed possession of the country, but made no permanent settlement.

In the latter part of 1787 Americans first entered Oregon. Two trading vessels from Boston went thither. These historic vessels were the ship *Columbia*, Captain John Kendrick, and the sloop *Washington*, Captain Robert Gray. They went thither around Cape Horn, laden with "Yankee notions," and put into Nootka Sound, at the west of Vancouver Island, where they remained until the early part of 1789. Then the two captains exchanged ships, and set out on further voyages. Gray took the *Columbia*, loaded her with furs, sailed to China, exchanged the furs for tea, and sailed home to Boston by way of the Cape of Good

Hope, thus for the first time carrying the American flag around the world. Meantime, Kendrick, with the little *Washington*, a sloop of less than a hundred tons, sailed first of all men through the Strait of San Juan de Fuca and explored other coast waters. In 1791 Gray returned to that coast in the *Columbia* and discovered the great river which still bears the name of his ship, in the face of the positive declarations of English explorers that no large river existed or could exist in that part of the continent. By this discovery, and the exploration of the river for a considerable distance up from the sea, Gray established United States title to it and to all lands drained by it. Thereafter, down to 1814, the trade of those regions was almost entirely in American hands.

Meantime, in 1789, Spain and England both attempted to form settlements on Nootka Sound, with little success. A dispute for the sovereignty arose between them, ending the next year in a treaty giving to England full commercial rights. Five years later Spain, without any formal proclamation of the fact, quietly withdrew from that part of the coast, and established her northern boundary at what is now the northern line of California. But as she did not renounce ownership of the lands above, the nominal sovereignty of them was still vested in her. Russia presently followed her down the coast, claimed all as far as the mouth of the Columbia River, and even planted a trading post

at Bodega Bay, just north of San Francisco. The vigorous protests of the United States, however, and especially John Quincy Adams's foreshadowing of the Monroe Doctrine, as already quoted, constrained Russia in 1824 to retire to the north of latitude 54° 40′, though she held Bodega Bay until 1836, when the United States compelled her to evacuate it.

It was Russia's expectation in 1824 that the United States would take possession of the Pacific coast from California up to her line at 54° 40′, and thus shut Great Britain away from the Pacific altogether. It was with the latter end in view that in 1825 she concluded with England the Canning-Nesselrode treaty, securing for herself an unbroken strip of coast from the Arctic Ocean down to 54° 40′, in spite of England's desperate efforts to get a gateway through that strip; and England was the more desirous of getting such a gateway because she expected the United States would insist upon retaining possession of the whole Oregon country up to 54° 40′.

Approaches to Oregon were also made by land. An agent of the Hudson Bay Company, a British corporation, in 1769–1772 explored the northwest, discovered the Great Slave Lake, and traced the Coppermine River to its mouth. Frobisher established an English trading post on Lake Athabasca in 1778. Mackenzie, in 1793, crossed for the first time the Rocky Mountains and descended to the

Pacific at latitude 53° 21′, thus making the first British occupation of Oregon, two years after Gray's discovery of the Columbia River. Mackenzie was, therefore, merely penetrating territory already lawfully acquired by the United States.

Finally, came the famous exploit of Meriwether Lewis and William Clark, the latter a brother of George Rogers Clark. These young officers were sent overland to Oregon by Jefferson, in 1803, as a part of his campaign against France for the possession of Louisiana. Jefferson's plan was to gain a frontage on the Pacific, and to secure territorial connection therewith across the continent, north of the French holdings in the Mississippi Valley. Accordingly Lewis and Clark, with a little company of twenty-seven men, amid innumerable adventures, hardships, perils, and romantic experiences, made their way from St. Louis up the Missouri River to its headwaters, thence across the Rocky Mountains to the headwaters of the Columbia, and so down the latter river to the coast. This achievement was of great interest to geographical science. It was no less important politically, for it served notice upon the world that the United States meant to extend its dominion across the continent from sea to sea.

A few years later an American citizen, John Jacob Astor, made a permanent settlement upon the present site of Astoria, Oregon, intending to establish a series of trading posts across the conti-

nent. Two years later his partners betrayed him by dishonestly selling out to the Northwest Company, a British concern at Montreal, and in the War of 1812 the British took forcible possession of the place. Astoria was restored to the United States at the end of the war, but the British company remained in possession until 1845. Finally, by the Florida treaty with Spain, as already related, the United States acquired all Spain's right and title to all lands north of California.

So the case stood when the Oregon dispute between the United States and Great Britain arose. The United States claimed the whole Oregon territory up to the Russian line, upon five grounds. One was the cession of the Spanish title by the Florida treaty. As we have seen, Spain's original title to the country was unchallenged. But there was a flaw in it, on account of her failure to take actual possession of the country and occupy it. But even in that respect her title was at least as good as England's, for the latter had not made permanent settlement there, and the Nootka treaty gave her only commercial rights and no political rights or sovereignty. The second ground was that of the discovery and exploration of the Columbia River by a United States citizen. The third was the expedition of Lewis and Clark. The fourth was the Louisiana Purchase, which gave us whatever title France had or might have claimed to Oregon. The fifth was the permanent settle-

ment made by Americans at Astoria. These grounds seemed to make the American title perfect in law and fact.

England, however, set up counter-claims to the whole region down to California, upon grounds which must be regarded as shadowy and altogether inadequate. Thus she claimed title to the whole Columbia River valley on the ground that some part of the upper waters of that river had been explored by her subjects, quite ignoring the fact that the mouth and lower part of the stream had previously been discovered and explored by an American, and that it is the discovery of a river's mouth, rather than of its headwaters, that gives title to it.

A *modus vivendi* was concluded between the two countries in 1818, in the form of an agreement that for the term of ten years all the region should be open to the citizens of both countries without prejudice to either. At the same time the boundary between the United States and the British territories east of the Rocky Mountains was fixed at the forty-ninth parallel. This agreement, it will be observed, was prior to our treaty with Spain, by which we obtained Spain's title to Oregon and thus perfected our own title to that region. This ten years' agreement was at its expiration renewed for an indefinite period, to be terminated upon a year's notice by either party.

Meantime England found herself shut off by

Russia from the sea north of 54° 50′ by the treaty of 1825, and therefore became the more eager and determined to secure an outlet on the Pacific through the Oregon territory south of that latitude. She made, however, the great mistake of giving the Hudson Bay Company a complete monopoly of the region for a game and fur preserve, and not only did not encourage but actually forbade colonization of it. The United States, on the other hand, planted colonies and encouraged settlers to go in and occupy the land. Such colonization was promoted in a most extraordinary manner. In 1832 four Flathead Indians visited St. Louis. They had come all the way from Oregon, for the purpose of purchasing some Bibles and getting instruction in the Christian religion. This unique errand opened the eyes of the American Board of Commissioners for Foreign Missions to the desirability of sending missionaries to that part of the world, and a number of missionaries were accordingly sent. Chief among these were Marcus Whitman and H. H. Spaulding — devoted men whose names are ever to be held in grateful memory. These two men with their wives — it was both couples' wedding tour — went in wagons overland to Oregon in 1838. Seldom had there been so romantic and adventurous a missionary journey, and seldom one with greater results.

In the track of the missionaries, settlers began to pour into the country from the United States,

and it soon became evident that actual possession of the land would be in the hands of Americans if the English did not bestir themselves. The latter awoke to the emergency, and did bestir themselves. In 1842 they changed their policy and began hurrying colonists to Oregon, to counterbalance the followers of Whitman and Spaulding. In the fall of 1842 the British settlers bade fair to outnumber the American, and British officers began openly to boast that they had secured the whole country down to California. It was also known in Oregon that a treaty — the Webster-Ashburton Treaty — was being negotiated at Washington for the settlement of the disputes over the northwest boundary between the United States and Canada, and it was supposed that it would also dispose of Oregon. At this Marcus Whitman perceived the need of action. The government at Washington must be warned of the British settlements in Oregon, and it must be informed of the value of that country and of the real situation there, in order that it might not, because of ignorance, relinquish the American title. So in the winter of 1842–1843 that devoted and indomitable man made the journey across the continent again, intent on saving Oregon for the Union. It was a daring, a perilous, and a most memorable ride, and its results were of vast importance. Whitman reached Washington too late to influence the making of the treaty. That document had been completed and had become law before he was half-

way across the continent. But happily it applied to nothing west of the Rocky Mountains. He was in time to give the government most important information, and to exert a beneficent influence upon subsequent events. Great Britain had proposed to make the Columbia River the boundary line, and the United States government seemed inclined to agree to it, until Whitman's earnest representations dissuaded it from so disastrous a concession.

Thus the case stood when Calhoun entered Tyler's Cabinet in the spring of 1844 for the purpose of dealing with the joint questions of Texas and Oregon. His attitude toward Oregon had already been defined. In 1842 he had opposed a bill providing for the occupation and settlement of Oregon, and had urged instead a policy of what he called "masterly inactivity." That attitude he maintained. Early in 1845 the British government proposed to submit the whole dispute to impartial arbitration, but Calhoun declined, on the ground that there was still hope of settlement through direct negotiations. The result was that the end of Calhoun's administration of the State Department found the Oregon question, which he had entered that office to settle, no nearer a settlement than before. The next administration, Polk's, having come into power on the issue of "54.40 or fight!" was compelled at first to make a brave show of living up to its professions, though there is grave reason to doubt

whether it ever really intended to do so. Polk declared that the title of the United States to Oregon was "clear and unquestionable," as it truly was, though Lord John Russell characterized the statement as a "blustering announcement." An offer of a settlement on the forty-ninth parallel, the present boundary line, was presently made by Polk, but its terms were less favorable to England than that formerly made by her concerning the Columbia River, which the United States had then seemed inclined to accept, and so England not unnaturally declined it. Thereupon Polk "withdrew" his offer, with a fine air of heroism, after it had been rejected by England, and in his next annual message reported to Congress that "no compromise which the United States ought to accept can be effected." That again was quite true, for the reason that the United States ought not to have accepted any compromise whatever, but should have held out for the whole territory, up to the Russian line at 54° 40′. Had it done so, it would have acquired that region, and that too, without the war which Cass, speaking with presidential inspiration in the Senate in December, 1845, declared to be "almost upon us." With Cass's rabid Anglophobia, it may be that the wish was father to the thought. Cass moved, also, for giving to Great Britain the prescribed year's notice of our intention to abrogate the *modus vivendi*, a step which Polk had suggested in his message. Such

notice was in entire accord with the terms of the treaty of August, 1827, and was not in itself offensive. In the preamble to the resolution it was described as "an incentive to a speedy and amicable adjustment." It was such an incentive, inasmuch as it was practically notice that something must be done within the year or there would be trouble. The resolution was adopted on April 27, 1848, and the formal notice of abrogation was given to the British government by Polk on May 21 following, the time of doing so having been left to the President's discretion.

This abrogation of the *modus vivendi*, or notice that it was to be abrogated at the end of a year, gave no offence to Great Britain. On the contrary, it was welcomed as an indication that the United States was beginning to yield and would presently abandon the "54.40 or fight!" attitude. Indeed, Polk had already hinted at a compromise, fixing the line at the forty-ninth parallel, uniformly with that at the east of the Rocky Mountains, and thus surrendering to Great Britain nearly one-half of the Oregon territory. But the British government declined this offer, being intent upon getting the whole region down to California, or at any rate down to the Columbia River, including the north bank of that stream. Such abandonment by Polk of what he had described as a "clear and unquestionable" title, Calhoun declared, in a Senate resolution, did not "abandon the honor, the character,

or the best interests of the American people." No, it merely abandoned some of their territory. War with England, argued Calhoun, would result in the loss of the whole region, while "masterly inactivity" would secure the whole of it for us. It is not at all sure, but indeed very doubtful, that insistence upon our "clear and unquestionable" title to the whole of Oregon would have led to war. It is no more sure, but fully as doubtful, that such war, had it come, would have lost us all. It might more probably have gained us all. It is a fact of history that Calhoun's "masterly inactivity" did not gain us all, but on the contrary lost us all north of the forty-ninth parallel.

The question has been much debated whether Calhoun favored this compromise because he really feared war with England and wished to avoid it, or because he wished to gain as little territory as he decently could for the free states of the North. We can scarcely doubt that if the territory in question had been in the slave zone he would have stood out for the whole of it to the crack of doom. Of course, there was a great difference between a war with England and a war with Mexico. But so, too, was there a great difference between a war to maintain a "clear and unquestionable" title and one to maintain no title at all but to grab outright land to which we never pretended to have a title. Benton, in a masterly speech in the Senate against the spoliation of

Mexico, caustically demanded: "Why not march up to 54.40 as courageously as we march upon the Rio Grande? Because Great Britain is strong and Mexico is weak." He might have added that we were more ready to make unjust aggressions upon a weak power than we were to defend ourselves righteously against a strong one.

There was little danger of war with Great Britain. There was no very great danger of our getting worsted in such a war, had it come. Yet undoubtedly war with England would have been a serious matter. It would have borne particularly hardly upon the South, and might have imperilled the existence of slavery. The real explanation of the case probably is that Calhoun and Polk did not want war with either England or Mexico, but if they had to choose between war with either they would unhesitatingly elect to fight Mexico, partly because she was the weaker, and partly, perhaps chiefly, because what was to be got from her was, in their eyes, more valuable than what was to be got or held through fighting England. They strove to avoid war with either, knowing that if they became involved in a war with one, the hands of the other would thus be enormously strengthened against them. If they went to war with England, Mexico would become defiant and would retake Texas. If they began fighting Mexico, England would take the whole of Oregon. But in the last analysis, if either Oregon or Texas and

New Mexico must be sacrificed, they unhesitatingly preferred that it should be Oregon. In the end, therefore, Calhoun urged the compromise on Oregon, knowing that thus the United States would be enabled to do as it pleased in Texas and Mexico, and probably hoping that Mexico, seeing the hands of the United States thus freed in the North, would be frightened into submission, and war even with her would thus be avoided. Polk, on his part, hesitated in his aggressions upon Mexico only until he could get the Oregon question out of the way. With all fear of war with England removed, he could be as resolute and valiant — that is to say, as domineering — as he pleased toward Mexico.

Accordingly Polk went on with his sacrifice of Oregon. The British government was quite ready to meet him halfway. It is true that it had pretended to claim the whole country down to the California line. It is equally true that it realized the invalidity of its title to any of it, even to a single foot of Pacific coast. If, therefore, it could get the northern half of what did not belong to it, it would be gaining a great deal. So it facilitated Polk's surrender by proposing a reconsideration of the very offer which it had formerly rejected, namely, to run the boundary along the forty-ninth parallel. Polk eagerly accepted the overture. A treaty was prepared to that effect, continuing the boundary along the forty-ninth parallel west of the

mountains to the Strait of San Juan de Fuca, and thence along that strait so as to give to England the whole of Vancouver Island. This was a monstrous betrayal and desertion of the issue on which Polk had been elected, and a flat repudiation of the position which his party had aggressively assumed. But the brave boast of "54.40 or fight!" had served its purpose. It had been "a good enough Morgan until after election." Now the election was over, and Polk was President. Why should he hesitate to kick down the ladder upon which he had climbed from obscurity into the White House?

The moral treason was, however, so flagrant that even Polk hesitated to assume full responsibility for it. Instead, therefore, of following the otherwise almost invariable custom of signing the treaty and then sending it to the Senate for ratification, he first sent it to the Senate with a request for its advice as to whether he should sign it or not. Practically, he wanted to know in advance whether, if he signed the treaty, the Senate would stand by him and ratify it. The Senate, blinded with visions of Mexican conquests, did advise him to sign it, and he did so. Ratifications were exchanged, and on August 5, 1846, the treaty was proclaimed and put into force, and the once resounding campaign cry of "54.40 or fight!" remained only as the memory of a great betrayal.

The sacrifice of northern Oregon did not, how-

ever, enable the United States to avoid war with Mexico. We have said that Polk and his followers did not want war. They merely wanted something that could not be obtained without war. So the Mexican War promptly came on. We need not review its course. The United States was easily victorious. But in the results of that war were several pieces of the bitterest irony ever conceived by a remorseless Nemesis, which must have rankled until death in the souls of those who engineered the unhallowed enterprise. One was that in securing so large a part of Mexico we also acquired another boundary dispute. The maps used in making the Treaty of Guadalupe Hidalgo were inaccurate and there soon afterward arose a dispute as to the ownership of the Masilla Valley, lying south of the Gila River. The United States coveted this region, supposing it to be rich in precious minerals and to be invaluable as the path of a railroad from the Atlantic coast to southern California, and so, through a treaty negotiated by James Gadsden of South Carolina, in December, 1853, it purchased it from Mexico for the sum of $10,000,000 — an enormous sum for a small bit of territory, in proportion to what was paid for other acquisitions. Perhaps we may regard it as the unconscious paying of "conscience money" to Mexico for the wrong we had done her a few years before.

Again, it had been expected, as we have already

said, that Texas would be divided into five states, with ten senators at Washington, and that New Mexico and the southern part of California would be erected into states, each with two senators, thus increasing by fourteen the slave strength in the Senate. But Texas remained, and remains to this day, a single state, with only two senators. New Mexico remained, and remains to this day, a territory without a single vote in Congress. And the whole of California quickly came into the Union as a free state! Never was engineer more disastrously hoist with his own petard than were the pro-slavery expansionists. At every point the conspiracy for the extension of slave statehood, though conducted at the cost of a war and of national honor, egregiously failed. Nor was that all. Calhoun, speaking on the Mexican War, in the Senate on February 24, 1847, with the prescience of a seer, truly said, "It has closed the first volume of our political history under the Constitution, and opened the second." It had, more than all other proceedings before it, led to the rise of sectionalism in national policies, an ominous thing that was to be got rid of only at the price of another and incomparably more costly war.

We have already described the general area acquired by the United States as the fruits of its criminal aggression upon Mexico. The outcome of its scarcely less criminal concession in the northwest was that it had to be content with pos-

session of the present states of Oregon and Washington and parts of Wyoming and Montana, instead of holding also a large part of what is now British Columbia. Thus the present continental domain of the United States was completed and its boundaries were fixed, as they have since remained for just half a century and as they bid fair to remain for immeasurable time to come. The Mexican-Oregon chapter in our history cannot be regarded with pride or pleasure. It is true that great good has followed as its sequel. But when an overruling Providence brings good out of evil, the evil remains none the less evil still. Let it be unhesitatingly granted that it is well, for us and for the world, that we possess both Texas and California. Let it be granted that it was our "manifest destiny" to acquire them. The fact remains that they might have been acquired peaceably and honorably instead of violently and dishonorably.

CHAPTER VII

"OUR ARCTIC PROVINCE"

THE story of Alaska suggests a curious application of the principle that "the first shall be last." Russia was the first European power to which what we may call the American riot act was read. Russian aggressions, or the direct menace of them, caused the first formal enunciation of the fundamental principle of the Monroe Doctrine, made, as we have already seen, by John Quincy Adams to the Russian minister months before Monroe issued his famous message. The Monroe Doctrine itself was directed against Russia more than any other power, since the "Holy Alliance" was a thing chiefly of Russian devising, and it was the Russian government that was most eager to undertake the work of suppressing, or undoing, the revolution in South and Central America and of restoring those countries to Spanish or other European and monarchical control; a step which, had it been accomplished, would almost certainly have led Russia and her reactionary allies to attempt the conquest of the

United States and its subjection to European despotism. Russia also, it will be recalled, arbitrarily invaded California and established settlements on its coast, from which she had to be expelled by the United States under threat of force. Yet this same Russia, strangely enough, lingered upon this continent long after the departure of France and Spain, and finally left it at her own volition, and was succeeded by the United States only through a bit of chance, and partly as an unexpected result of our abandonment of northern Oregon.

We may safely accord to Russia full original title to Alaska, by virtue of discovery, conquest, and occupation. It was a Russian agent, Vitus Bering, who, under the Russian flag, in 1741 set out from Kamchatka on a voyage of discovery, and likewise of indescribable peril, hardship, and tragedy. It was a Russian, Michael Novidiskov, who, in 1745, first of all white men landed on Attoo Island, the extreme end of the Aleutian chain now belonging to our territory of Alaska. It was the Russian fur-hunters who, for a century thereafter, tortured and slaughtered the helpless natives of Alaska with a savagery unsurpassed elsewhere in the history of conquest. By the end of the eighteenth century no fewer than sixty Russian companies were settled and were operating in northwestern America, almost exclusively engaged in the fur trade. All these

were in 1799 united in one great concern, known as the Russian American Company, which endeavored to possess for Russia the whole American coast from just north of San Francisco to the Arctic Sea, and to make the whole North Pacific Ocean a Russian lake, barred against the commerce of all other nations.

Under the administration of Alexander Baranoff, its first head, this company enjoyed vast prosperity, and bade fair to establish permanently an extensive Muscovite empire in North America. The headquarters of the company were at Irkutsk, in Siberia, but Baranoff conducted his governorship at Sitka, on one of the coast islands of Alaska. There he exercised powers similar to those of the great British chartered companies, in India, South Africa, and elsewhere. He had full governmental control of the country in civil and military affairs. He established courts, such as they were, and maintained an army and navy. Under his wise administration the company had a princely revenue, and in addition to making its own members rich it paid yearly a splendid sum into the imperial treasury. But in 1818, stricken with age and illness, Baranoff retired from the governorship, and the decline of Russian America began. After him came a succession of governors who were at once luxurious in tastes, cruel in practice, and fatally lacking in business capacity. The headquarters at Sitka were elaborated into

a veritable vice-regal court, with the splendors, the profligacy, and the debaucheries of St. Petersburg itself, while the business of the company was permitted to fall into neglect and ruin. Dividends decreased. The tribute to the imperial treasury became a minus quantity. Presently the company began to make demands upon the Russian government, for subsidies, for maintenance and protection, and for payment of the debts which the incompetent and profligate administrators had incurred.

The Russian dream of conquest also vanished. The Lewis and Clark expedition, the discoveries of Kendrick and Gray, and various other American movements, signified plainly the intention of the United States to occupy a part of the Oregon coast and to become a power in the North Pacific. In July, 1823, as we have already seen, John Quincy Adams, Secretary of State, warned the Russian government, through its minister, Baron Tuyl, that the United States would "contest the right of Russia to any territorial establishment on this continent," and a few months later in the same year the Monroe Doctrine was put forth, directed primarily against Russia. The challenge was one which the autocratic and republic-hating Muscovite dared not accept. Instead, safety was sought in compromise and concession. Russia hastened, after Adams's vigorous words, to make a treaty with the United States, in which most

of her extraordinary pretensions were abandoned. Its first article conceded to the United States the full freedom of the sea in the Pacific Ocean. The second admitted that the United States owned a stretch of Pacific coast, upon which Russians might not land without permission. The third restricted Russian settlements to the regions north of latitude 54° 40′, and gave the United States, so far as Russia was concerned, full title to all lands south thereof. This treaty was concluded on April 17, 1824.

Thus forced to relinquish her arrogant scheme of monopoly in the northwest, Russia strove at least to admit to that region no other rival than the United States. Especially did she strive to shut England away from the Pacific. The latter power had made numerous landings on the Oregon coast, and was vigorously pushing across the continent with her Hudson Bay Fur Company, and was determined in some way to secure a frontage on the Pacific. From 1822 to 1825 she conducted earnest negotiations with Russia upon the subject, aiming both to get title to a strip of Pacific coast and to compel Russia to renounce her claims to sole sovereignty in the North Pacific. The Russian negotiators were the same as those who made the treaty of 1824 with the United States, Count Nesselrode and M. de Poletica, and the English were Sir Charles Bagot and Lord Stratford de Redcliffe, cousin of the great statesman who then

directed the foreign policy of England, George Canning.

Fearing that the United States would insist upon retaining possession of the whole coast up to 54° 40′, and realizing the validity of the United States title thereto, the British strove desperately to gain access to the sea north of that line. At first they wanted to draw the Anglo-Russian boundary down the 141st meridian straight to the sea at Mount St. Elias, thus depriving Russia of the "pan-handle" altogether. This, which would have required Russia to relinquish Sitka itself, was however not even seriously considered. Next the British proposed Christian Sound, Chatham Strait, and Lynn Canal as the boundary. Russia refused it. Next, a line through Clarence Strait to the Stickeen River was urged. That, too, was refused. Then, as a last resort, the British conceded the whole coast to Russia, down to 54° 40′, but asked that the coast-line be drawn straight across such arms of the sea as Lynn Canal and Glacier Bay, from headland to headland, so as to give her the upper parts of those waters and thus access to the sea. This also Russia inexorably refused, insisting that the line should be drawn "parallel with the coast and with the windings thereof," thus circling around the heads of those inlets and absolutely shutting England away from access to tidewater north of Chatham Sound and Portland Canal.

In the end Russia won. Nearly a year after the

signing of the Russo-American treaty of 1824, to wit, in February, 1825, a treaty was concluded between Russia and England, in which the whole coast down to 54° 40′ was conceded to Russia, and England was entirely shut away from the sea, save through Russian permission. At the same time, Russia again relinquished in favor of England, as she had already done in favor of the United States, her preposterous and untenable claims of monopoly in the North Pacific. Canning afterward declared that to gain this concession from Russia was the real object of the negotiations, the demand for a part of the Alaskan coast having been put forward merely as a stalking-horse. However that may be, it was from that time forward that England became most determined to wrest a part of Oregon away from the United States, so as thus to gain the Pacific frontage she had failed to get from Russia. It is also of interest and importance to bear in mind the story of those Anglo-Russian negotiations and their result, in view of the efforts of England, at Canadian urging, three-quarters of a century later, to reopen the case and to secure from the United States that which she failed to get from Russia in 1825.

Three things chiefly caused Russia in time to grow weary of her American province and to desire to get rid of it. The first was the treaty of 1824, by which she was compelled to let the United States in as a maritime power in the North Pacific

and thus to relinquish her own monopoly there. The second was the Anglo-American treaty of 1846, by which the United States relinquished the northern part of Oregon to Great Britain, and thus let the latter in also as a North Pacific power, to Russia's ineffable disgust. The third was the gross mismanagement of the Alaska company by worthless governors, by which the province was made a source of expense instead of profit. Such was the state of affairs in 1864, when the third term of the Russian American Company's charter expired and application was made for its renewal. At the same time application was made for a grant from the imperial treasury to pay the company's debts. That latter was the proverbial last straw which broke the back of the camel of Muscovite patience. Against the demand for a grant the Russian government revolted. Indeed, it could scarcely have done otherwise. It had recently passed through a costly and disastrous war, and was in no condition and no humor to subsidize an unprofitable and bankrupt concern for the sake of maintaining provincial functionaries in profligate revels. It therefore flatly refused to renew the charter, and instead sent commissioners to Alaska, to wind up the whole business on the best possible terms.

It was soon decided that the best thing to be done was to get rid of Alaska altogether. Russia had never colonized it, and she realized that it would be folly to attempt so to do with so much of

Asia still unconquered and unoccupied between her and America. Had she at that time been in her present condition, possessing Central Asia, with Siberia colonized, with a railroad across the Asian continent, and with the northern part of China under her sway, she might have held on to Alaska. But these achievements were still far in the future. Her duty at the time seemed to be to concentrate her energies upon the regions lying close at hand. So she decided to dispose of Alaska if she could.

There was little doubt as to who the purchaser must be. The only possible ones were England and the United States. But England was scarcely to be regarded as a possible purchaser. For one thing, Russian animosity against her was too great to permit Russia to seek such negotiations with her. For another thing, it was exceedingly doubtful if the United States would assent to a transfer of sovereignty from Russia to England. It had long been a well-established principle of American policy that while a European power might continue to hold a colony undisturbed upon this continent, it could not be permitted to sell or cede it to another European power. If it relinquished it, the colony must pass under American dominion, or become an independent state. That principle had been hinted at in Louisiana. It had been openly proclaimed and acted upon in Florida, and for many years had been maintained in Cuba and

Porto Rico. There was reason to suppose that it would be insisted upon in the case of Alaska, even against so great powers as Russia and England.

Accordingly, Russia turned to the United States. This country, despite Adams's strenuous warning in 1823, had never attempted to drive Russia out of Alaska, though it had compelled her to retire thither from her usurped position on the California coast. It had regarded Russian possession of that remote and inhospitable region with complacency if not with indifference. In 1858, indeed, Senator Gwin of California had informally suggested to the Russian minister at Washington that the United States might be willing to pay $5,000,000 for Alaska, and it was also intimated that the President, Buchanan, was favorably inclined toward a purchase if terms could be arranged. The Russian government, on being informed by its minister of these overtures, replied that the sum named was far too small, and the matter was dropped.

American interest in the region continued to grow, however, and in 1865 the Western Union Telegraph Company entered into negotiations with the Russian government for the building of a telegraph line overland from the United States to Europe by way of Alaska and Siberia. Surveying parties were sent to Alaska, and on January 1, 1887, the first telegraph pole was erected with jubilant ceremonies. But after $3,000,000 had been expended upon it, the undertaking was aban-

doned, on the ground that it would be impossible to send despatches over such a line as cheaply as over the Atlantic cable. Meantime, another American company entered the Alaskan field. This was the so-called American Russian Ice Company, composed chiefly of San Francisco capitalists. It had been organized to import ice from Alaska to California, though in fact it had done little such work, and had scarcely more than nominal existence. But its shrewd and energetic directors recognized the vast possibilities of profit in Alaska, not from ice but from numerous other sources, and they made haste to offer to the Russian commissioners for the charter of the moribund Russian American Company a sum far greater than the latter, even in the palmy days of Baranoff, had ever paid to the St. Petersburg treasury. The Russians were favorably impressed with the offer. Senator Cole of California interested himself in the promotion of the scheme, and there seemed every prospect of its success.

But just as these negotiations were apparently at the point of conclusion, a new and powerful factor entered into the case. This was the United States government, in the person of William Henry Seward, its Secretary of State. He was a statesman of broad and penetrating vision, and of bold ideas concerning the destiny of America; a fitting successor to Jay, Hamilton, Jefferson, Adams, and the others who had promoted the

growth of the American empire. Learning what was afoot at San Francisco and at Sitka, he looked carefully into the matter, and quickly decided upon a line of action.

In this he was moved by various considerations. One was, that the doctrine enunciated by Adams and Monroe and their contemporaries concerning Florida, Cuba, and other lands should be enforced in the case of Alaska, to wit, that it should not be transferred to any other foreign power, but if relinquished by Russia should come to the United States, this country having, in his opinion, a reversionary title to all parts of the North American continent. Now, he argued, was an opportune time to make that doctrine effective and to avoid all danger of future complications. Russia was willing to sell. If the United States did not buy, it would thus discredit itself in any attempt to prevent Russia from some day selling to some one else. This country could not play the part of a dog in a manger. For the sake of vindicating the Monroe Doctrine, then, it was expedient to acquire Alaska. A second consideration was that he believed Russia to have been a sincere and valuable friend to the United States during the Civil War which had just ended, and he was therefore inclined on the ground of gratitude to oblige Russia by taking off her hands that which she was desirous of selling. A third was that he distrusted England, and resented the part her government

of the day had played during our Civil War, and he therefore was desirous of preventing her from ever acquiring any more territory on this continent. It had not escaped his notice that British overtures for the acquisition of Alaska had just been made, through the Hudson Bay Company, and though they were unsuccessful, there was no telling what a renewal of them might not effect if the United States declined to profit by this chance. Still another consideration was that Alaska was likely to prove a valuable and profitable possession. He knew it had once been very profitable to Russia, and had become unprofitable only because of gross mismanagement. He felt sure that under enlightened and progressive management it would become more profitable than ever. Certainly, if a private corporation could pay a large royalty to Russia for the privilege of exploiting it, that royalty might as well be paid to the American as to the Russian government.

In February, 1867, the Russian minister at Washington was authorized to treat for the sale of Alaska to the United States. On March 22 Mr. Seward offered him for that territory the sum of $7,200,000, the territory to be ceded to the United States entirely free from all encumbrances of debts or concessions of any kind. Two days later the Russian minister replied that he believed the offer would prove acceptable to the Russian government. On March 29 a definite acceptance of the

offer was received by cable from St. Petersburg, and at four o'clock the following morning the treaty of cession was signed. Seldom in the history of the world has so great a transaction been so simply and expeditiously accomplished. The treaty was ratified on May 28, and was formally proclaimed on June 20, and on October 18, 1867, in the presence of Russian and American officers, the Russian flag at Sitka was hauled down, the American flag was raised in its place, salutes were fired, and the actual transfer of sovereignty was effected. It may be added that as in the case of Florida, the whole of the purchase money was used for the payment of debts and claims against the territory, so that none of it reached the Russian treasury. Practically, the United States simply took Alaska off Russia's hands and its encumbrances with it.

The motives which impelled the United States to acquire Alaska were formally set forth by Congress, just before the ratification of the treaty. They coincide largely with some of those which we have already ascribed to Mr. Seward. "They were," said Congress, "first, the laudable desire of citizens of the Pacific coast to share in the prolific fisheries of the oceans, seas, bays, and rivers of the western world; the refusal of Russia to renew the charter of the Russian American Fur Company in 1866; the friendship of Russia for the United States; the necessity of preventing the transfer,

by any possible chance, of the northwest coast of America to an unfriendly power; the creation of new industrial interests on the Pacific necessary to the supremacy of our empire on the sea and land; and finally, to facilitate and secure the advantages of an unlimited American commerce with the friendly powers of Japan and China." The last-mentioned motive was sincere, but quite mistaken. Alaska has been of no value whatever to us as an aid to commerce with Japan and China. The others were valid, and have been vindicated by the course of subsequent events.

The purchase of Alaska did not involve grave constitutional questions such as did that of Louisiana, partly because such questions as might have arisen had been settled before in the cases of Louisiana and Florida, and partly because it was not proposed to admit Alaska as a state, and questions connected with statehood were thus altogether avoided. Practically the only question raised was that of the right of the President and Senate to negotiate and ratify a treaty involving the payment of money without the coöperation of the House of Representatives, without whose vote this money could not be appropriated and paid. It was not the first time, however, that that question had been raised, and it was not the last. But in that case, as in others of the same kind, the question was susceptible of ready solution. The President and Senate had the right to make the

treaty, but the treaty could not become operative until Congress had enacted the necessary enabling legislation. That feature of the case was perfectly well understood by the Russian government, as by our own. The treaty-making power could not compel nor bind Congress to make an appropriation, any more than Congress could compel the treaty-making power to negotiate a treaty. But the treaty-making power could make the treaty, and it would be morally binding, though not practically effective until Congress had supplied the means of executing it.

Two provisions only of the treaty of cession need briefly to be considered here. One is contained in the first article, and is to the effect that the boundaries of the ceded territory shall be the same as those agreed upon by Russia and England in the Canning-Nesselrode treaty of 1825. The United States thus acquired from Russia an unquestionable title to an unbroken strip of coast down to latitude 54° 40′, — a strip not broken by intruding arms of the sea but curving inland around those arms. The latter attempts of Great Britain, at Canada's incitement, to break through that strip and get to tidewater above 54° 40′, have therefore really been attempts to reopen the settlement made by herself and Russia in 1825.

The other notable provision is found in the third article of the treaty, and is to the effect that "the inhabitants of the ceded territory, according

to their choice, reserving their natural allegiance, may return to Russia within three years; but, if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the right, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion." There is not a word about admission to statehood, and indeed it was tacitly understood that there was no intention of ever making a state of Alaska. So here was set the precedent, without controversy, of acquiring territory not to be incorporated into the Union but to be held indefinitely and probably perpetually outside of the Union, as a subordinate and subject province or colony. The treaty contained no promise that the Constitution of the United States should never be extended to Alaska, but rather intimated that it would not be, and certainly that it would not be at once. As a matter of fact, the Constitution has not yet, to this day, been extended to Alaska. Indeed, Alaska has never yet become an organized territory of the United States.

Mr. Seward was at first somewhat at a loss to define the legal basis for the acquisition and control of the country, but at last found his authority in a law enacted in 1834 for an entirely different purpose and without the slightest reference to

Alaska. That law described the "Indian country" as a "part of the United States west of the Mississippi." That, said Seward, with "happy elasticity," included Alaska! Thus Alaska was lumped with the "Indian Territory" as an unorganized territory, and for years had no regular system of government beyond military and customs control. At last, in 1884, a law was enacted providing for a civil government. Alaska was erected into a civil and judicial district, ruled by a governor appointed by the President. But it was to have no legislature, and no delegate to Congress, and practically no measure of self-government. The mining laws and some other United States statutes were to be extended to it, but by no means all of them. And in such condition Alaska remains to this day. Its government is radically different from that of the territories of the United States, and all the provisions of the United States Constitution are not in force there. Thus was and is emphasized the right and power of the nation to govern each separate territory as it pleases and to do so independently of the constitutional restrictions which inflexibly apply to the states.

It is worthy of note, as one of the ironies of fate, that while this was the first territory acquired, the boundaries of which were definitely prescribed in the treaty of cession, there have arisen disputes over those boundaries which have been longer continued than any over those of the undefined

territories formerly annexed. The United States also acquired with Alaska a legacy of controversy over maritime and other rights which has proved most troublesome. We have already spoken of Russia's pretension of sovereignty over the Pacific Ocean. After she was forced to abandon that, she still clung tenaciously and defiantly to the pretence that Bering Sea was a closed sea, *mare clausum*, and a part of her own territorial waters, which no other nation could navigate or enter without her permission. This pretension was disputed by Great Britain and also by the United States, but was at least nominally maintained by Russia down to the date of the cession of Alaska to the United States. Then, by the treaty of cession, Russia conveyed that claim of sovereignty over Bering Sea to the United States. The treaty defined the boundaries of the ceded territory with much minuteness. At the west the line began practically at the north pole — "due north, without limitation" — and ran down through Bering Strait, thence southwest so as to go west of Attoo Island, and then turned eastward south of the Aleutian Archipelago. Thus it included the eastern half of Bering Sea.

For a time and for certain purposes the United States undertook to maintain title to sovereignty over those waters. It also undertook to maintain title to ownership of the fur seals which frequented the Pribyloff Islands wherever they might be.

Those islands were and are a part of the Alaskan territory and thus unquestionably the property of the United States. So are the seals the property of the United States when they are upon those islands or within the lawful limits of their coast waters. But the United States claimed that the seals remained its property even when, in their yearly migration, they were swimming in the high seas hundreds of miles away. These pretensions, inherited from Russia and fatuously insisted upon, involved the United States in long and acrimonious controversies with Great Britain, in the course of which the United States seized and confiscated various British vessels which had been engaged in the taking of seals upon the high seas. The whole case was finally referred to arbitration at Paris in 1883, and was, of course, reasonably and rightfully decided against the United States on the two major points named. That is to say, the claims of the United States to sovereignty over Bering Sea, and to ownership of the seals on the high seas, were denied, and the United States was adjudged liable for indemnity for the seizures of British sealers — which indemnity this country paid to the amount of several hundred thousand dollars. At the same time the necessity of regulating pelagic sealing was recognized, and a code of rules therefor was formulated.

The annexation of Alaska brought to the United States, however, much more than controversies.

It is doubtful if any other acquisition of territory was ever the subject of so much ridicule and scorn. Seward was said to have "annexed an iceberg," and "our Arctic province" was the most favorable appellation given to the new possession. Yet time has splendidly vindicated the wisdom of Seward's act and has abundantly demonstrated the value of Alaska, far beyond even Seward's most sanguine expectations. The cession added some 512,000 square miles of land to our domain. It brought to Americans more than $2,500,000 worth of seal furs yearly, beside vast values in other furs, in salmon and other fishes, in timber, in coal, and in copper, silver, and gold. It is a safe estimate that for many years the yearly product of Alaska has been far more than the entire purchase price paid for that territory. The North American Commercial Company, which under a government charter has had a monopoly of the fur-seal business, has paid in royalties more than $300,000 a year, and it alone has thus paid back to the United States more than the cost of Alaska. The salmon and other fisheries of the Alaskan coast are among the richest in the world. The forest wealth of Alaska is simply inestimable. The deposits of coal and copper are known to be of great extent and value. The gold mines of Douglass Island, of the Cape Nome region, and of the Yukon country adjoining the British Klondike, have already yielded fortunes. Moreover, it

is now perceived that the soil and climate of the southern part of Alaska fit that country admirably for agricultural pursuits and for occupation by a large population engaged in varied and profitable industries. The territory is not, of course, comparable in value with the other great accessions previously made by the United States. But it is not unworthy to be named after them, and both in its intrinsic value and in the circumstances and manner of its acquisition, it may well be regarded with satisfaction and with a measure of honest and honorable pride.

CHAPTER VIII

MID-SEA POSSESSIONS

The acquisition of Louisiana, Florida, Texas, California, and Oregon completed the continental domain of the United States. It was a coherent and compact domain, every portion of which might in due time aspire to statehood in the Union. It was, moreover, freed from contact with or proximity to alien powers, save two. One of these, at the south, was a sister Republic, and, therefore, in sympathy with our system of government, and was not great enough to offer us any menace even had it been so disposed. The other, at the north, was the very power from which we had ourselves sprung, with which our interests and our destiny had from the beginning been intimately associated, and which, despite two wars and innumerable controversies, was our truest friend among the nations of Europe. There was no longer any danger of molestation in the development of our institutions and the working out of our national problems. The independence which the early colonists had sought was at last attained. The first step outside

of that domain of actual and potential states was taken in the annexation of Alaska. That was the first acquisition of territory not contiguous to the United States and not intended to be incorporated into the Union. Still, Alaska was a part of the North American continent. It was reserved for the next step in the process of expansion to extend to a territory which was not only non-contiguous but also non-continental — an insular territory remotely separated from the United States and not even forming a part of the geographical system of the American continents.

The Hawaiian or Sandwich Islands form a mid-sea group in the North Pacific, entirely separate from any continental or other insular system. How isolated they are may be perceived from the fact that their capital, Honolulu, is 2100 miles from San Francisco, 3800 miles from Auckland, New Zealand, 4500 miles from Sydney, Australia, 3400 miles from Yokohama, 4900 miles from Hong Kong, and 2400 miles from Tahiti. They thus geographically belong to no other country. Commercially, they form a mid-Pacific station of inestimable value and importance. As soon as the Pacific Ocean became a considerable highway of commerce, therefore, the disposition and control of them became a matter of much concern. The superiority of their inhabitants to most other Pacific islanders, however, caused them for many years to remain an independent sovereignty.

The islands were probably discovered first by the Spaniard, Gaetano, in 1535, though he made no landing upon them and, of course, did not take possession. The first European to land upon them was the English explorer, Captain Cook, in 1778, who lost his life there a year later. Vancouver was the next visitor, and he so cultivated the good graces of the natives and of their king that on February 25, 1784, the islands were placed voluntarily under British protection, and the British flag was raised upon them. This action was taken, however, solely by the islanders, and was never ratified nor recognized as valid by the British government; wherefore it presently lapsed and was forgotten, and the islands remained independent, under a native king. A dozen years later Baranoff, the governor of Alaska, attempted to seize the islands for Russia, and actually built a blockhouse at Waimea, but the Hawaiians rose against the invaders, and the Russians were driven out.

American relations with the islands began in 1788, in a way which we might well wish to forget. A couple of armed trading vessels visited the islands, and in return for a slight grievance wantonly massacred a hundred or more of the natives. A little later the natives surprised and captured one of the vessels, and put to death all of its company except two men. These they kept in captivity for a time, and then released them. The men remained on the islands, cultivated the friendship of the

people, were raised to the rank of chiefs, married native wives, and did much to teach the Hawaiians the arts of civilization; so that their memory is to this day cherished and honored by the people of the islands. It was one of these men who led the Hawaiians in the repulse of an expedition of the Russians, and it was these two and Vancouver who introduced into the islands a knowledge of Christianity. It was, however, many years before Christianity was generally accepted throughout the islands, that being finally effected through the labors of American missionaries, after one of the most remarkable experiences ever had by a people in search of a religion.

King Kamehameha I, who died at the age of eighty-two in 1819, put an end to the old practice of human sacrifices. That was the first step toward a better faith. His widow, the Queen Regent Kaahumanu, guardian of the young Kamehameha II, took another step in the same direction. She abolished the system of "taboo" and all idol-worship, burning the idols and the temples that contained them. Thus were the devils of savage heathenism cast out, and the house was swept and garnished for a better tenant. Unhappily at the instant no better came, but only some even worse spirits than those of old. Left with practically no religion at all, the people swiftly sank into a moral, intellectual, and physical degradation to be remembered only with horror.

However, redemption was preparing at the very moment of degradation. In 1809 a strange boy, speaking broken English and weeping bitterly, was found one day seated upon the door-steps of one of the buildings of Yale College, in New Haven. Taken in charge by benevolent people, he disclosed himself to be Obookiah, a Hawaiian orphan, who had come to this country with two companions on a whaling ship, to escape death in one of the tribal wars of his native land. He soon fell ill and died, but not before he had brought his two companions to the notice of his benefactors. These two, Hopu and Tamoree, were cared for and educated, and they became the founders of Christian civilization in Hawaii. When they grew to manhood they returned to Hawaii with a number of Christian missionaries from New England. The little company reached Hawaii in March, 1820, and promptly began to battle with the evils which had fastened themselves upon the people. They were followed by other missionaries and American settlers, and within a few years succeeded in establishing Christianity as the prevailing religion of the people and in developing a goodly degree of civilization among the ruling classes of the natives.

At about the same time the growing commercial importance of the islands prompted the establishment of diplomatic relations between them and the United States. An American consul was sent

thither in 1820, and in 1828 Hawaii made with the United States her first treaty with any power — a "treaty of friendship, commerce, and navigation." This convention was never ratified by the United States Senate, but it was treated by the Hawaiians as binding, and its provisions formed the basis of the subsequent relations between the two countries. Three years later, in 1829, the President of the United States sent a friendly message to the Hawaiian government, formally recognizing its independence — the first such recognition ever given to Hawaii by any nation. In 1836 the Hawaiian government was coerced into making a treaty with Great Britain of similar character to that made with the United States, a British warship training her guns upon Honolulu as a measure of suasion, and in 1839 a similar treaty was secured by France in a similar manner. Very soon afterward began the systematic aggressions upon the islands which led to a practical American protectorate and to the enunciation of a definite American policy concerning them.

At this time, to wit, in the fifth decade of the nineteenth century, commerce on the Pacific Ocean had attained large proportions, and there naturally arose rivalry for the possession or control of, or at least paramount influence in, these islands, occupying, as they did, so important a position in the mid-seas. Remote as the islands were from any continent, they were less remote from the United

States than from any other, and the United States had a much larger commerce with them than had any other country. Naturally, therefore, the Hawaiians looked to this country as the one with which they ought to cultivate closest relations. In the fall of 1842, accordingly, the king sent Timothy Haalilo, a member of his suite, and William Richards, a clergyman, to Washington, to negotiate with the United States for more formal recognition as a sovereign power.

These envoys addressed, on December 14, a letter to the Secretary of State, Daniel Webster, setting forth with pardonable pride the progress which Hawaii had made in civilization and the arts of government. "A regular monarchical government," they said, "has been organized, of a limited and representative character. It has, moreover, been the uniform practice of consuls and commercial agents resident in His Majesty's dominions to demand all that protection, both of persons and property, which is demanded of sovereign and independent states; and this, His Majesty believes, has been duly and efficiently extended. While, therefore, all is demanded of his government, and all is rendered by it, which is demanded of or rendered by the governments of sovereign and independent states, he feels that he has a right to expect his state to be acknowledged as such, and thus be formally received into the general compact of sovereign nations."

This was a noteworthy application, to be made by such a nation at such a time, and, we may add, to such a government. For the United States was then a slave-holding nation, and pro-slavery influences were dominant in its government, and men of dark skins were held to be unworthy of political recognition by men with light skins. Nevertheless, the application was sympathetically received, and Webster made in reply to Messrs. Haalilo and Richards this important declaration: —

"The United States have regarded the existing authorities in the Sandwich Islands as a Government suited to the condition of the people, and resting on their own choice, and the President is of opinion that the interests of all commercial nations require that that Government should not be interfered with by foreign powers. Of the vessels which visit the islands, it is known that the great majority belong to the United States. The United States are, therefore, more interested in the fate of the islands and of their Government than any other nation can be, and this consideration induces the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands ought to be respected; that no power ought either to take possession of the islands as a conquest or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive

privilege or preferences with it in matters of commerce."

That was the first explicit declaration of policy concerning the islands, and it was thereafter consistently maintained, with such logical developments as the progress of events made necessary. Precisely the same policy was set forth by President Tyler in his message to Congress on December 30, 1842. But it was not long before that policy was sharply challenged by a foreign and rival power.

In February, 1843, the British warship *Carysfort*, commanded by Lord George Paulet, unexpectedly appeared in the harbor of Honolulu. On the pretence that British subjects had been repeatedly insulted by the island government, Lord George peremptorily demanded a personal interview with the king, threatening to bombard the town within twenty-four hours if it were not granted, in addition to the granting of various other excessive and unjust demands. The evident purpose was to bully the Hawaiian government into submission to British dictation. The king was helpless and hopeless. Resistance was impossible. Defiance meant ruin. Therefore he yielded, but not in the way Lord George had expected. Instead of granting the demands, he ceded the whole of his kingdom outright to the British crown. It was a logical step. To have granted Lord George's demands would have made

the British practically masters of the islands, though reserving nominal responsibility for them to the natives. The king well argued that if the British were to have the power, they should bear the responsibility, too. So the cession was made, and the British flag was raised over the islands in token of sovereignty. A "Queen's Own" regiment was formed, and the officers took the oath of allegiance to the British sovereign.

The Hawaiian king did not mean, however, to make such a surrender of his kingdom permanent without some further effort. Immediately after the act of cession he wrote to the President of the United States, relating the circumstances of the British conquest and imploring the good offices of the United States for the undoing of the great wrong. The prayer of the king was not unheeded. Indeed, it was impossible that the United States should not act in the matter, after having so recently committed itself to the principle of Hawaiian independence. Webster, through the American minister to England, informed the British government of the views expressed in the President's message of December, 1842, and added that the government of the United States "would exceedingly regret that suspicion of a sinister purpose of any kind on the part of the United States should prevent England and France from adopting the same pacific, just, and conservative course toward the government and people of this remote but

interesting group of islands." The result was that the British government promptly and completely repudiated the act of Lord George Paulet and restored the sovereignty of the native government of Hawaii. In April, 1843, the British government formally recognized the independence of Hawaii. More than that, it made it clear that it would object to any meddling with those islands by France, which latter power had just seized the Marquesas Islands and was suspected of designs upon Hawaii. Finally, in November, 1843, the British and French governments mutually agreed "to consider the Sandwich Islands as an independent State, and never to take possession, either directly or under the title of protectorate or any other form of any part of the territory of which they are composed."

Meantime, in March, 1842, an American "commissioner," who was practically a diplomatic minister, was accredited to the Hawaiian court. In June following, the attitude of the United States toward the islands was further stated by Mr. Legare, then Secretary of State, to be such that "we might even feel justified, consistently with our own principles, in interfering by force to prevent their falling (by conquest) into the hands of one of the great powers of Europe." This declaration was made in a letter to Mr. Everett, United States minister to England, and was thus practically a formal notice to the British government.

It was not resented nor challenged, but was tacitly acquiesced in, and for a few years the islands remained undisturbed by European aggressions.

Commercial and other treaties were made, however, with France and Great Britain, and in 1849 trouble arose over the interpretation of these. The French government complained that its treaty had been wantonly broken by Hawaii, and sent a couple of warships to Honolulu to demand instant redress, under menace of bombardment. Although the French commander declared that neither conquest nor occupation of the islands was intended, the American consul at Honolulu protested against all his proceedings, and in that protest was joined by the British and other consuls. Nevertheless, the French commander landed a force of marines, destroyed some public buildings, and seized others. The king made no resistance, but protested and made another appeal to the United States. The United States promptly responded. Mr. Clayton, then Secretary of State, informed the French government through the American minister, Mr. Rives, that the relations between the United States and the Hawaiian Islands were such "that we could never, with indifference, allow them to pass under the dominion or exclusive control of any other power."

That was explicit, but it did not prove effective. Louis Napoleon had become the head of the French government, and in the furtherance of his criminal

ambition he sought to gain all possible prestige through foreign conquests, and he showed little regard for the wishes of the country in which he had once been glad to find an asylum. The French aggressions upon Hawaii therefore continued, and early in 1851 seemed about to come to a crisis. The Hawaiians besought the United States consul to take the lead in resistance to French conquest, and the consul prepared to do so. The king and his counsellors planned to raise the American flag the moment the French began an actual attack, and to proclaim the cession of the islands to the United States, and the king placed in the hands of the American consul a sealed paper, to be opened and acted upon whenever the American flag should thus be raised.

This paper, signed, and sealed by the king, declared that "finding our relations with France so oppressive to my kingdom, so inconsistent with its rights as an independent State, and so obstructive of all our endeavors to administer the government of our Islands with equal justice with all nations, and equal independence of all foreign control, and despairing of justice and equity from France, we hereby proclaim as our royal will and pleasure that all our islands and all our rights as Sovereign over them, are, from the date hereof, placed under the protection and safeguard of the United States of America until some arrangement can be made to place our said relations with France upon a footing

compatible with my rights as an independent sovereign under the law of nations; or, if such arrangements be found impracticable, then it is our wish and pleasure that the protection aforesaid under the United States of America be perpetual." This action by the king was ratified by both houses of the Hawaiian Parliament, and unquestionably expressed the sentiments of the Hawaiian people.

But the fulfilment of this plan was not needed. Daniel Webster was again Secretary of State at Washington, and he made the wishes and intentions of the United States known to France in a way that not even Louis Napoleon ventured to disregard. The further enforcement of the French demands upon Hawaii, he wrote, in June, 1851, "would be tantamount to a subjugation of the islands to the dominion of France. A step like this could not fail to be viewed by the Government and people of the United States with a dissatisfaction which would tend seriously to disturb our existing friendly relations with the French Government." Therefore he called upon France not only to refrain from further aggressions but also to make amends for the acts already committed against the sovereignty of the Hawaiian Islands and against the law of nations. That was plain talk. It was doubtless most unwelcome to Louis Napoleon. But the United States was a great power, and the pinchbeck "Prince President" was not so fully established in his usurped place as to ven-

ture upon an open breach with it. So the French demands were quickly withdrawn, and the French government was profuse in its disclaimers of any intention of interfering with Hawaiian sovereignty.

In the fall of that year President Fillmore, in his message to Congress, again set forth the American policy concerning Hawaii. "The Hawaiian Islands," he said, "are ten times nearer to the United States than to any of the powers of Europe. Five-sixths of all their commercial intercourse is with the United States, and these considerations, together with others of a more general character, have fixed the course which the Government of the United States will pursue in regard to them. That policy is, that while the Government of the United States itself, faithful to its original assurance, scrupulously regards the independence of the Hawaiian Islands, it can never consent to see those islands taken possession of by either of the great commercial powers of Europe, nor can it consent that demands manifestly unjust and derogatory, and inconsistent with a bona fide independence, shall be enforced against that government." This declaration went a step farther than its predecessors, in that it seemed to indicate that the United States would resist peaceful acquisition of the islands by England or France, through cession, just as it would forcible conquest of them. The same impression was produced by the statement of Mr. Marcy, Secretary of State, in September,

1853, when he wrote to Mr. Gregg, the American representative in Hawaii, "While we do not intend to attempt the exercise of any exclusive control over them, we are resolved that no other power or State shall exact any political or commercial privileges from them which we are not permitted to enjoy, far less to establish any protectorate over them."

Mr. Marcy soon afterward, however, took another step, which must be regarded as ill-advised, seeing how earnestly the United States had been protesting that it had no thought of subverting in any way the independence of Hawaii. He wrote to Mr. Mason, the minister at Paris, in December, 1853, concerning the Islands, "It seems to be inevitable that they must come under the control of this Government, and it would be but reasonable and fair that these powers (France and England) should acquiesce in such a disposition of them, provided the transference was effected by fair means." Mr. Marcy doubtless assumed this attitude because of the then recent acquisition of California by the United States and our consequently greatly increased interests in the Pacific. But in view of subsequent events he must be regarded as having too much anticipated the remote future. Doubtless, even at that time ultimate annexation of Hawaii to the United States was inevitable. But the true course, for the sake of American honor and good faith, would have been to post-

pone that act as far as possible by sustaining and encouraging Hawaiian independence instead of trying to hasten it by discouraging and breaking down the native insular government.

The latter course, however, was adopted by Mr. Marcy and by President Pierce. The American minister to Hawaii was secretly instructed to encourage the annexation scheme, and as a result he reported to Mr. Marcy in February, 1854, that the king was inclined to offer the sovereignty of the islands to the United States. Mr. Marcy replied, encouraging the scheme and instructing the minister how to proceed in its realization. The British and French consuls protested, and the former in a long personal interview with the king earnestly endeavored to dissuade him from the contemplated step. It was in vain. The treaty of annexation was drafted, and Mr. Marcy, in January, 1855, wrote to Mr. Gregg at Honolulu that "this Government will receive the transfer of the sovereignty of the Sandwich Islands." But at the last moment it became evident to Mr. Marcy that some of the provisions which the Hawaiians had inserted into the treaty would not receive the approval of the United States Senate or that of the nation. Especially and unquestionably was that true of the remarkable stipulation that the islands should be admitted into the Union as a state. Mr. Marcy informed Mr. Gregg, therefore, of the hopelessness of the outlook, and the whole matter was dropped.

Thus, in the course of a few years, Great Britain, France, and the United States successively but vainly intrigued for the acquisition of the islands. Thereafter for a decade the islands remained undisturbed. But all the time American interests and influences in them were increasing. The whaling industry had declined, but the sugar industry was enormously developed and was a potent factor in strengthening the commercial and political bonds between Hawaii and the United States. So close did this relationship become that in 1866 steps were taken for the making of a reciprocity treaty between the two countries. Such a convention was concluded in May, 1867, and was ratified by the Hawaiian legislature. It was, however, rejected by the United States Senate, partly because of the antagonism of that body to President Johnson and all his works, and partly because the Secretary of State himself, Mr. Seward, was inclined to let reciprocity drop in favor of annexation. "A lawful and peaceful annexation of the islands to the United States," wrote Mr. Seward, "is deemed desirable by this Government; and, if the policy of annexation should really conflict with the policy of reciprocity, annexation is in every case to be preferred."

The outcome was that both projects failed and had for the time to be abandoned. Reciprocity was sacrificed to annexation, and annexation failed because it was supposed to mean, as it would have

meant in 1855, the admission of Hawaii as a state. On such terms, as Mr. Seward himself said, "the public mind in the United States was not, in 1868, in a condition to entertain the question of the annexation of the Sandwich Islands." The conviction had arisen and was already being firmly established that, however much territory the nation might acquire, no new states should be admitted to the Union from non-contiguous lands or from islands of the sea. The United States should be kept "the United States of America," a compact, homogeneous continental domain.

The desire for annexation would not down, however, and in 1873 it again became vocal. It was strongly expressed in the islands, and commenting upon that fact the United States Secretary of State, Mr. Fish, wrote to the minister to Hawaii, Mr. Peirce, that he should, "without committing the government to any line of policy, not discourage the feeling in favor of annexation," but that he should cautiously and discreetly ascertain on what terms the Hawaiian government would assent to annexation.

But again the annexation plans came to naught, largely because of the opposition manifested by a faction of the United States Senate to all the expansionist proposals of President Grant's administration. Not only was the acquisition of Hawaii at that time thus prevented, but the purchase of the Danish West India Islands and per-

haps the annexation of the Dominican Republic were similarly defeated.

But in 1875, annexation appearing to be out of the question, the long-delayed and much-needed reciprocity treaty with Hawaii was concluded and ratified. The latter became the cause of a sharp controversy in 1881, when Great Britain endeavored to secure the same preferential treatment in commercial affairs which Hawaii granted to the United States. Against this, which the Hawaiian government was inclined to grant, the American Secretary of State, Mr. Blaine, vigorously and effectively protested, taking the logical and equitable ground that the privileges of a reciprocity treaty were to be enjoyed exclusively by the countries making the treaty, and were not to be extended to any other under the "most favored nation" clause of ordinary commercial conventions. Mr. Blaine also took occasion to reassert with much emphasis the determination of the United States "that, under no circumstances, will it permit the transfer of the territory or sovereignty of these islands to any of the great European powers." "The Hawaiian Islands," he added, "cannot be joined to the Asiatic system. If they drift from their independent station, it must be toward assimilation and identification with the American system, to which they belong by the operation of natural laws and must belong by the operation of political necessity."

The next step of importance was taken in 1887,

in the provisional cession of Pearl Harbor to the United States. That superb harbor, a few miles from Honolulu, had long been desired as a commercial and naval station. It was not only by far the best harbor in the Hawaiian Islands, but also one of the strongest and most commodious in the world. The cession of it was made by the Hawaiian government in return for a renewal of the reciprocity treaty, and the Hawaiian understanding doubtless was that the United States should have possession of the harbor only so long as the reciprocity treatment remained in force. The United States, on the other hand, was inclined to hold that the cession of the harbor was perpetual, no matter what became of reciprocity. At the same time the British government protested against American acquisition of Pearl Harbor as an act calculated to impair the independent sovereignty of the islands, and suggested that the United States should join Great Britain and France in a tripartite compact similar to the Anglo-French agreement of 1843, guaranteeing the neutrality and equal accessibility of the islands and all their harbors to all nations. This proposal the United States declined in a convincing manner, and the Hawaiian government also effectively replied to a British protest against its cession of Pearl Harbor to the United States. The title of the United States to Pearl Harbor was thus maintained and securely established. Yet the United States government, with the

ineptitude and hesitation which at times mark its conduct, for many years thereafter neglected to improve or even to take formal possession of Pearl Harbor, but left that priceless appanage entirely unimproved and unused.

In the summer of 1889 came the beginning of the end of Hawaiian independence. In 1874, at the accession of King Kalakaua, and in the dispute between him and Queen Emma for possession of the crown, United States troops were landed at Honolulu for the protection of life and property. At the end of July, 1889, such intervention was again required in the case of an organized revolt against King Kalakaua. United States forces occupied the capital and maintained order. But the seeds of revolution remained vital. Kalakaua died in January, 1891, and was succeeded by his sister, Liliuokalani, as queen. She was generally believed, and not without cause, to have instigated the revolt of 1889 as a protest against the liberal policy of Kalakaua and the liberal constitution which had been established by him. Her arbitrary conduct on ascending the throne soon confirmed this belief. She made evident her dissatisfaction with the constitution, and began more or less openly planning for its abrogation or, at least, for the evasion of some of its provisions. The legislature perceived this and resented it. In the fall of 1892 it passed a vote of lack of confidence in the queen's ministry, and there ensued an open

conflict between the two branches of the government. Mr. Stevens, the United States minister, wrote home to the State Department at Washington that in his opinion the queen would have to yield, constitutionally, or the monarchy would be overthrown, and he added the suggestion that one of two courses would have to be followed: "Either bold and vigorous measures for annexation, or a customs union, an ocean cable from the Californian coast to Honolulu, Pearl Harbor perpetually ceded to the United States with an implied but not necessarily stipulated American protectorate over the islands." The President strongly recommended the laying of the cable and the occupation and improvement of Pearl Harbor, but Congress continued stupidly to neglect those important undertakings, while the islands steadily drifted toward anarchy.

The ultimate revolution came at the beginning of 1893. The queen had tried to force upon the legislature a ministry entirely unacceptable to it and unfit for office, but had been forced to yield according to the requirements of the constitution. Thereupon she began to prepare a new constitution embodying her reactionary and despotic political policies, which she intended to impose upon the islands in place of the existing constitution, if necessary by a forcible *coup d'état*. At the same time she used all her influence in favor of corrupt legislation, chartering the notorious Louisiana Lot-

tery swindle and also an opium ring, to which legislation, when enacted, she eagerly gave her assent and signature.

The attempted *coup d'état* came at a well-chosen time. It was early in January, 1893. At that time the American cruiser *Boston*, which had been stationed at Honolulu to protect United States interests, had gone away for a practice cruise, and the American minister, Mr. Stevens, had gone with it. There was no force at hand capable of intervening in any emergency. The queen had, she supposed, the islands at her mercy. Accordingly, she announced that the constitution of 1887, under which she had succeeded to the throne, and which she had sworn to maintain, was to be abrogated, and replaced by a new one dictated by herself. Under this new constitution representative government was to be practically abolished, one house of the legislature and the ministry being appointed by the sovereign entirely at her own will. Moreover, all white men, excepting those who were married to native women, were to be disfranchised.

The proclamation of this astounding measure aroused the people of Honolulu to something like frenzy. The white people and many of the more intelligent Kanakas saw in it the gravest menace to Hawaiian civilization, and prepared to resist it to the bitter end. The less responsible portion of the community and the disorderly elements hailed it as promising a return of the old-time conditions of

license and savagery. The queen's ministers deserted her and opposed her *coup d'état*, while some Kanaka members of her "kitchen cabinet" vehemently supported her and urged the mob to rise against the white people and massacre them. All the military forces of the islands were called out to enforce the queen's will, while the better elements of the community organized for self-defence and for the maintenance of the constitution. Thus for a few days the two parties literally rested on their arms, ready at any moment for civil war. Then the queen issued two proclamations. One was addressed to the general public, announcing that she would not insist upon the promulgation of her new constitution, but would wait until she could reach an agreement with her ministers upon it. The other, addressed to her native followers in their native language, declared that she would soon find a way of overcoming the opposition of her ministers and would then establish such a constitution as she and her Kanaka friends desired.

This two-faced action precipitated the crisis. A Committee of Public Safety was formed, which took possession of the government offices, the ministers promptly resigning in its favor. The queen and her adherents retired to her private residence, which was put into a state of siege. Lawless Kanakas began the systematic practice of arson and robbery. A reign of terror prevailed, and the whole community seemed on the verge of

anarchy. Then, as a last resort, the Committee of Public Safety made appeal to the United States minister, who had returned with the *Boston*, for aid in maintaining law and order. Mr. Stevens promptly responded. He had two precedents for so doing. Twice, with governmental approval, United States forces had been landed for such a purpose years before. Three squads of marines and sailors from the *Boston* were posted at commanding points in the city. That was all. There was no need of action. Not a shot was fired. The presence of United States forces awed the mob and reassured all law-abiding citizens.

The next step was the deposition of the queen. This was formally proclaimed on January 17, by the Committee of Public Safety, in the presence of a vast assemblage of the people of Honolulu. It was declared that the Hawaiian monarchy had ceased to exist and that a provisional government had been formed "for the control and management of public affairs and the protection of the public peace . . . until terms of union with the United States of America" should be agreed upon. The military and police forces of the islands then surrendered to the provisional government, and the revolution was complete without the loss of a single life. The queen earnestly protested against her dethronement, declaring that it had been effected only through the interference of the American minister and his use of American troops.

She yielded, she said, to such force, only for the sake of avoiding bloodshed and until such time as the American government, learning the facts of the case, should undo the wrong its minister had done, and should reinstate her in her lawful place.

The provisional government was promptly recognized by the representatives at Honolulu of the United States, Germany, Austria-Hungary, Italy, Russia, Spain, Holland, Belgium, Mexico, Peru, Chile, and China, and after some delay by those of Great Britain and France. A commission was quickly sent by the provisional government to Washington to negotiate a treaty of annexation, while the queen sent a commissioner of her own to protest against the revolution and to give to the President her side of the story. Meantime, at the request of the provisional government, the United States minister proclaimed a United States protectorate over the islands and raised the American flag in place of the Hawaiian.

Much criticism was afterward directed against various features of this revolution. It was said that it was a gratuitous conspiracy against the monarchy organized by Americans. There is no proof to that effect, but, on the contrary, it seems to be established that the conspiracy was on the queen's side and was directed against the constitutional liberties of the islands and against the treaty rights of Americans. The revolution was a defensive and not an aggressive one. It was said that

in proclaiming the establishment of the provisional government "until terms of union with the United States" should be agreed upon, the revolutionists betrayed their real design to sell out Hawaii to America. That criticism is answered by the fact of record, that more than once, years before, Hawaiian kings had, with the cordial support of the Hawaiian people, earnestly striven to secure precisely such union with the United States. In adopting that course, the provisional government was merely pursuing the long-established national policy of Hawaii. Finally, Mr. Stevens was criticised for declaring an American protectorate over the islands and even for landing troops. But, as we have seen, troops had similarly been landed twice before, in 1884 and in 1889, and the protectorate was nothing but the logical carrying out of the long-established policy of the United States toward those islands. If we recall the provisional cession of the islands to the United States in 1851, the doings of 1893 are seen not to lack justifying precedent.

The Hawaiian commissioners reached Washington on February 3, and soon concluded with President Harrison a treaty, ceding the sovereignty of the islands to the United States, and providing for a handsome pension for the deposed queen and a substantial indemnity for the heir presumptive. This treaty was signed and sent to the Senate for ratification. In transmitting it, the President said:

"The overthrow of the monarchy was not in any way promoted by this government, but had its origin in what seems to have been a reactionary and revolutionary policy on the part of Queen Liliuokalani, which put in serious peril not only the large and preponderating interests of the United States in the islands but also all foreign interests and, indeed, the decent administration of civil affairs and the peace of the islands. . . . The restoration of Queen Liliuokalani to her throne is undesirable, if not impossible, and, unless actively supported by the United States, would be accompanied by serious disaster and the disorganization of all business interests. . . Only two courses are now open, — one, the establishment of a protectorate by the United States, and the other, annexation, full and complete. I think the latter course, which has been adopted in the treaty, will be highly promotive of the best interests of the Hawaiian people, and is the only one that will adequately secure the interests of the United States. Those interests are not wholly selfish. It is essential that none of the other great powers shall secure these islands. Such a possession would not consist with our safety and with the peace of the world."

The treaty was submitted to the Senate on February 15. The Senate was too busy with other matters to give it prompt attention. On March 4 Mr. Harrison retired from the Presidency and was succeeded by Mr. Cleveland, and one of the first

official acts of the latter was to withdraw the treaty from the Senate without ratification. He was not convinced of the correctness of Mr. Harrison's statement that the United States government had not in any way promoted the overthrow of the Hawaiian monarchy. That statement was flatly contradicted by the ex-queen. Accordingly, he deemed it fitting to suspend annexation operations until he could carefully investigate the whole matter. In pursuance of this purpose, Mr. Cleveland appointed Mr. James H. Blount a "commissioner paramount" to Hawaii, accrediting him to the provisional government, and investing him with autocratic authority over that of the United States minister and the United States naval commander in Hawaii. Mr. Cleveland thus sent Mr. Blount as his personal representative, and therefore declined to submit his appointment to the Senate for ratification — a somewhat noteworthy bit of personal government.

Mr. Blount reached Honolulu on March 29, and two days later hauled down the American flag and sent back to the ship all the American troops which had been landed. For some weeks thereafter he was busily engaged in his work of investigation, in which he chiefly consulted the ex-queen and her partisans, holding that the other side of the case had already been fully presented by the provisional government. The result was a report to the President unfavorable to the provisional gov-

ernment. Acting upon this report, President Cleveland, in December, 1893, declared in his message to Congress that the lawful government of Hawaii had been overthrown through "the agency of the United States acting through its diplomatic and naval representatives." He held that Mr. Stevens had acted with gross impropriety, and that for the United States to annex the islands in such circumstances would be to incur "the imputation of acquiring them by unjustifiable methods." He therefore declined to resubmit the annexation treaty to the Senate.

This action of Mr. Cleveland's provoked intense excitement throughout the United States, and both praise and blame of the most extreme character. Unhappily, as is so often the case in America and elsewhere, expressions of opinion both pro and contra were largely inspired by political and partisan feeling rather than based upon principles and convictions. It may even now be too early to expect the formation and general acceptance of a dispassionate and impartial judgment upon the matter. But it can scarcely be disputed that the action of Mr. Stevens and of President Harrison was in accord with the unbroken precedents of a hundred years, set by statesmen of both political parties, and that the policy adopted by Mr. Cleveland involved a radical departure therefrom.

The incidents immediately following seemed, moreover, to mark Mr. Cleveland's action with

doubtful consistency. He offered to appoint Mr. Blount as minister to Hawaii in place of Mr. Stevens, and upon Mr. Blount's declination he appointed Mr. Albert S. Willis, who went to Honolulu at the beginning of November, 1893. Now Mr. Willis was specifically accredited to the provisional government, or to Sanford B. Dole, the head thereof. Yet he was accredited by a President who regarded that government as an unlawful and immoral thing, and he was instructed to do all in his power to overthrow it. He was instructed, moreover, to cultivate relations with the ex-queen, and to encourage her in her attempts to undo the revolution and to regain her throne.

Never, perhaps, did a diplomatist have a more distasteful mission. Mr. Willis, a high-minded gentleman, conscientiously strove to fulfil it. But every step he took made it seem more distasteful and more impossible. He went to the ex-queen and expressed to her the President's expectation that she would, when reinstated, grant full amnesty to the leaders of the revolution. She bluntly replied that she would chop their heads off and confiscate their property. She also declared her unalterable determination to abrogate the constitution of 1897 and to disenfranchise and expatriate all white men save those who had intermarried with Kanakas. Mr. Willis strove to alter her savage determination, but in vain, and then reported the result of his interview with her to the President.

There arose at this time a popular idea that the United States meant to restore the ex-queen to her throne by force. This was based upon a recommendation to that effect which was made to the President by the Secretary of State, Mr. Gresham. The President did not act upon it, and probably never intended to do so. But the people of Honolulu feared it, and flew to arms to resist it to the uttermost. Mr. Willis meanwhile renewed his efforts to bring the ex-queen to a more reasonable and less vindictive frame of mind, and at last succeeded. He secured from her, at any rate, on December 18, a promise of full pardon and amnesty to all who had taken part in the revolution. Thereupon he made upon the provisional government a formal demand that it should relinquish its authority to the ex-queen, restore her to the throne, and efface itself. This extraordinary demand was made by the minister to the government to which he was accredited, and in the name of the government which had accredited him to it. Surely it involved some strange contradictions and stultifications. If the provisional government was a lawful one, it was wrong to demand that it should abdicate. If, on the other hand, it was an unlawful one, then the American minister, being accredited solely to that unlawful body, had no legal status.

The provisional government made a prompt and powerful reply. It declared that its dispute with the ex-queen was a purely domestic Hawaiian

affair, with which the United States had no business to meddle unless invited to do so as an arbitrator; that the United States had not been invited to act as arbitrator, and that it had therefore no status in the case; and that the question of improper action by American officials in the revolution was one which the United States must settle with its own officials and not with the provisional government. Finally, it positively refused to comply with the demand for the surrender of its authority to the ex-queen. This reply of the Hawiian government was dignified, logical, convincing, and effective. For some time suspense and anxiety prevailed in the islands, lest the United States should use force for the restoration of the queen. Preparations were continued for resistance to such an attempt, and at one time a bloody conflict seemed impending. That was when two United States warships appeared in the harbor of Honolulu, and drew their men up in battle array upon the decks, in full view of the city. On shore the Hawaiian forces were called to arms and loaded cannon were trained upon the ships. But a United States naval officer came ashore and privately reassured the Hawaiians of his peaceful intent. He expressed full sympathy with the provisional government, and intimated that if he and his men were ordered to interfere for the restoration of the queen they would have no heart in the work, and he significantly added

the suggestion, "If our boats, with armed marines, put out from the ship, and if you fire a charge over our heads, we shall be obliged to put back and abandon our purpose."

This unwillingness of the United States to use force for the restoration of the queen was fully and finally confirmed a few days later, when President Cleveland confessed himself baffled by the resolute front of the provisional government, and withdrew from the whole matter, leaving it to Congress to dispose of as it saw fit. Congress, of course, could do little, save to let the Hawaiians go on undisturbed and work out their own salvation. This the Hawaiians did in capable fashion. In January, 1895, there was a small revolt of the royalists, which was quickly suppressed, and the ex-queen was arrested for complicity in it, tried, and sentenced to imprisonment in her own palace. Soon afterward she formally abdicated the throne. Meantime, on July 4, 1894, the Republic of Hawaii was proclaimed and the provisional government gave place to a permanent constitutional government, with Sanford B. Dole as President of the new commonwealth.

The abdication of the queen left the legal status of the republican government in Hawaii unchallengeable, and that government vindicated itself by its admirable administration of insular affairs. Discussion of the desirability of annexation continued for several years to be a leading feature in

United States politics, and was intensified by several incidents. One of these latter was the effort of Japan to fill the islands with colonists from her own shores and thus gain political control of them.

Another, still more important, was the attempt of Great Britain to secure one of the smaller islands for use as a cable landing and perhaps a naval station. It was late in 1894 that the British government made application to the Hawaiian government for the lease of either Neckar Island, Bird Island, or French Frigate Shoal for a mid-sea station for the trans-Pacific cable which it was about to lay. The Hawaiian government was inclined to grant the request, especially since the United States with discreditable lack of enterprise showed no signs of ever itself laying a cable across the Pacific or even to Honolulu. But the Hawaiian government had previously agreed not to let any foreign nation land a cable upon any of its islands without the consent of the United States, and it accordingly informed this government of the British application. President Cleveland transmitted the information to Congress, with an earnest recommendation that permission for the lease be granted. Congress, however, thought differently. It observed that Great Britain already had at Bermuda a cable and naval station off our Atlantic coast, and it did not mean to let her have one off our Pacific coast, too, especially on land which was destined soon to belong to the United States. It therefore promptly

refused to grant the British request, or to authorize the Hawaiian government to do so. Then the British, discovering that Neckar Island was unoccupied and had, in fact, never been formally claimed by the Hawaiians and possession of it taken by them, planned to send a vessel there and seize it as a No Man's Land which any comer might possess. This intention being suspected by the Hawaiians, they hastily sent a ship thither and raised the Hawaiian flag. Great Britain was thus compelled to look elsewhither for her mid-sea cable station. But it is to be noted, to her credit and not to ours, that she found such a station and had a trans-Pacific cable laid and working long before the United States got one laid as far as Honolulu.

Soon after the accession of William McKinley to the Presidency in 1897, another annexation treaty was negotiated and laid before the Senate. It closely resembled the former one, which Mr. Cleveland had withdrawn, excepting that it made no provision for a pension for the ex-queen or for her heir, Princess Kaiulani. Such provision was omitted to punish the ex-queen for her attempt to overthrow the Hawaiian Republic in 1895. It may be stated in this place, however, that generous fortunes have since been settled by Hawaii upon those persons. Long and earnest debates were held upon the treaty in executive sessions of the Senate, in which much opposition to it was developed. Much of this was based upon the entirely proper

ground that the treaty seemed to promise statehood for Hawaii, and to such a status for the islands there were insurmountable objections. Ultimately it was found that while a majority of the Senate favored the treaty, the required two-thirds majority for ratification of it could not be secured. The treaty was therefore laid aside, and it was planned to annex Hawaii by means of a joint resolution of Congress, as had been done in the case of Texas, half a century before; such a resolution requiring only a majority vote.

The resolution was prepared, in much the same terms as the treaty, but scrupulously avoiding any promise of statehood. It simply declared that the United States would accept the cession of Hawaiian sovereignty, and that the islands should become "a part of the territory of the United States." It was further added that only a portion of the laws of the United States should at once apply to the islands, thus clearly intimating that the new territory would not be under the Constitution until so placed by special act, and would not be a part of the Union of States. The urgency of Cuban affairs and the war with Spain in the spring of 1898 so absorbed the attention of Congress that action upon the resolution was delayed for some time. But during the war with Spain the Hawaiian government practically allied itself with the United States, by offering to the latter the use of its ports regardless of the neutrality laws, and this gener-

ous action incited Congress to perform its neglected duty.

The annexation resolution was passed on July 6, and promptly signed by the President, and on August 12 the official transfer of sovereignty was made and the American flag was raised over the islands in token of their finally having become a part of the American domain.

President Dole and the other members of the Hawaiian government were continued in office, and their administration of affairs went on much the same as before, until Congress enacted special laws for the government of the territory. This was done in April, 1900. Under the bill then enacted Hawaii became an organized territory of the United States, the citizens of which are citizens of the United States. The Constitution of the United States is fully applied to Hawaii, and also all United States laws not locally inapplicable or otherwise provided for. The territory has a governor appointed by the President, and an elective legislature, and sends to Congress a delegate who may speak in the House but has no vote. In brief, the status of this insular territory closely resembles that of the territories on the continent and contiguous to the states. There is, however, no promise of statehood, but on the contrary the sentiment of the United States, amounting practically, it is to be hoped, to an unwritten law, is that neither Hawaii nor any other insular possession of the United

States is to be considered as in the line of promotion to that status.

It would indeed be profitable if such a determination to keep the United States forever a compact, continental Republic should become crystallized into immutable law. The Hawaiian annexation gave adequate occasion for it. Twice at least, as we have seen, the United States hesitated and declined to accept the cession of those islands for the sole reason that there was connected with the offer of cession an implication that statehood would be expected. In the final act of annexation all encouragement of such expectation was carefully and avowedly avoided. That wise policy should be forever maintained. If so, the Hawaiian annexation will not prove unfruitful of at least one important and beneficent constitutional principle — the ability and right of this nation to acquire and to hold colonies, never intended for statehood, at any distance and in any part of the world. That is a power which all other important nations possess and exercise at will, and in that, as well as in all other respects, the United States must be the peer of any other nation.

Our possessions in the Samoan Islands may properly have notice here, though entirely separate from Hawaii. Those islands are much more remote than Hawaii from our Pacific coast, and much less important in all respects. Nevertheless they contain at Pago Pago one of the finest harbors in that

quarter of the globe, and a harbor which will one day be of very great value to its possessor if the latter is to be a commercial power in the Pacific. The United States was the first of all powers to obtain an important commercial footing in Samoa, but was followed closely by Great Britain and Germany. In 1878 this country secured a cession of the harbor of Pago Pago, whereupon Great Britain and Germany also demanded and secured concessions for themselves. The rivalry among the three powers steadily increased, and each sought to gain advantage over the others by ingratiating itself with the native rulers. In 1888 a serious conflict arose among the natives over the election of a new king, and this led Prince Bismarck to invite Great Britain and the United States to a conference at Berlin to devise a plan for the control of the islands. The result was a tripartite system which nominally gave the three powers equal privileges and authority in the islands, and which practically was a fruitful source of rivalries, bickerings, and intrigues. The independence of the native sovereign was nominally maintained, but the judicial and customs services of the islands were placed in the hands of the three powers.

This system lasted until 1898, when another dispute over the royal succession arose, in which Germany espoused the cause of one claimant and Great Britain and the United States that of the other. There was much fighting among the

natives, and some firing upon them by the warships of the three powers, and relations among the latter became strained. Germany proposed the abolition of the tripartite arrangement and the control of the islands by a single power, meaning herself. To this the others would not consent, though all were agreed that the tripartite arrangement was unsatisfactory. Finally, in November, 1899, the matter was settled by a partition of the islands. The United States received the island of Tutuila, containing the harbor of Pago Pago, which was really all she ever wanted in Samoa. Germany received the two larger islands of Savaii and Upolu. Great Britain withdrew from the group altogether, receiving compensation from Germany in the form of cessions in the Tonga and Solomon islands and enlarged privileges in Africa. Since that time this remote possession of the United States has been governed by a naval officer designated for the purpose. There is, of course, no thought of anything even remotely resembling the status of an organized territory. The island and its tributary islets are governed arbitrarily, in a manner corresponding to that of a crown colony of a monarchical power. Its status is simply a further application and exemplification of the constitutional provision that "Congress shall have power to make all needful rules and regulations respecting the territory belonging to the United States." In some cases Congress enacts that terri-

tories shall be largely autonomous, with highly organized representative governments. In this case it puts the government of the territory into the hands of a single officer of the navy. In each case its action is entirely constitutional.

CHAPTER IX

THE SPANISH ISLANDS

THE history of our latest territorial acquisition dates back three-quarters of a century before their actual accomplishment. It was in 1898 that the United States took possession of Porto Rico and the Philippines. It was in 1823 that the principle which led to such annexation was formally and authoritatively laid down. John Quincy Adams was its author — that genius of statesmanship to whom this nation owes so many debts for territorial gains and for dignified standing among the powers of the earth. In 1823 he was Secretary of State. A war between France and Spain was impending, which threatened to involve American as well as European interests. Ever keenly regardful of perils which might beset this country and of opportunities for its advantage, Mr. Adams wrote to the United States Minister at Madrid as follows: —

"Whatever may be the issue of this war, it may be taken for granted that the dominion of Spain upon the American continents, north and south,

is irrevocably gone. But the islands of Cuba and Porto Rico still remain nominally, and so far really, dependent upon her, that she yet possesses the power of transferring her own dominion over them, together with the possession of them, to others. These islands are natural appendages to the North American continent, and one of them, almost in sight of our shores, from a multitude of considerations has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position with reference to the Gulf of Mexico and the West Indian seas, its situation midway between our southern coast and the island of San Domingo, its safe and capacious harbor of the Havana, fronting a long line of our shores destitute of the same advantages, the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial, give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of this Union together. Such indeed are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering in the process of time, and even now verging to maturity, that in looking forward to the probable course of events for the short period of half a

century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself. . . . There are laws of political as well as of physical gravitation. And if an apple, severed by the tempest from its native tree, cannot choose but to fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain, and incapable of self-support, can gravitate only toward the North American Union, which, by the same law of nature, cannot cast her off from her bosom. The transfer of Cuba to Great Britain would be an event unpropitious to the interests of this Union. . . . The question both of our right and of our power to prevent it, if necessary, by force, already obtrudes itself upon our councils, and the Administration is called upon, in the performance of its duties to the nation, at least to use all the means within its competency to guard against and forefend it."

That was a brave, straightforward declaration of principle and policy, namely, that these islands must not be transferred by Spain to any other power, but, when severed from Spain, must come to the United States. Jefferson evidently cherished the same view, though his expression of it was marked with his characteristic timidity and inconsistency. Writing to President Monroe a few weeks later in that same year, he said: —

"Cuba alone seems at present to hold up a speck of war to us. Its possession by Great Britain would indeed be a great calamity to us. Could we induce her to join us in guaranteeing its independence against all the world, except Spain, it would be nearly as valuable as if it were our own. But should she take it, I would not immediately go to war for it; because the first war on other accounts will give it to us, or the island will give herself to us when able to do so."

Strange doctrine, that of a joint guarantee, to be put forward by the man who had so austerely deprecated "entangling alliances"!

Two years later Henry Clay, then Secretary of State in Adams's Cabinet, instructed the American ministers at the chief European capitals to make known that "the United States, for themselves, desired no change in the political condition of Cuba; that they were satisfied that it should remain open, as it is now, to their commerce, and that they could not with indifference see it passing from Spain to any other European power." A little later he added, "We could not consent to the occupation of those islands (Cuba and Porto Rico) by any other European power than Spain, under any contingency whatever."

In this same year, 1825, the British government proposed that France and the United States should join it in a tripartite declaration that the wresting of Cuba from Spain would not be permitted. This

scheme was similar to that desired by Jefferson. Happily, wiser counsels prevailed at Washington, and the United States did not accept the proposal, but later it refused to enter into any joint arrangement with any power concerning Cuba, holding that Spain and the United States alone were essentially interested in the disposition of that island.

Adams's policy was consistently maintained by the United States, through successive administrations and in many varied circumstances. Nor did this country shrink from the responsibility which that policy morally implied. While it forbade Spain to transfer the islands to any other power, it did not hesitate to guarantee her in the secure possession of them. The Secretary of State, Mr. Forsyth, in 1840 instructed the American Minister at Madrid "to assure the Spanish government that in case of any attempt, from whatever quarter, to wrest from her this portion of her territory, she may securely depend upon the military and naval resources of the United States to aid her either in preserving or recovering it." Practically, the United States thus established and effectively maintained a protectorate over Cuba and Porto Rico in behalf of Spain, and there can be no doubt that, had it not done so, those islands would before the middle of the last century have been seized by either France or Great Britain.

The assumption of such power and responsibility, however, imposed yet another responsibility upon

the United States. That was, a moral responsibility for Spain's government of Cuba. From that there was no escape. Since we protected and maintained Spain in possession of Cuba, we were responsible for her possession of it and for the use she made of that possession. When the results of that possession became so evil as to constitute an international scandal, we were responsible. Other nations would have intervened to correct the offensive condition, but we would not permit them to do so. That was the responsibility borne by the United States, which finally gave to this nation the moral authority to remonstrate with Spain against her misgovernment of Cuba, and, when remonstrance proved ineffective, to intervene with force and arms.

The United States was patient. During the Ten Years' War in Cuba, from 1868 to 1878, it endured almost intolerable provocation and injury. In 1895 another revolution broke out in Cuba, and an independent Cuban Republic was proclaimed. The United States maintained an attitude of scrupulous neutrality. Nevertheless its citizens were grossly ill treated by Spanish authorities in Cuba, its commerce with that island was all but destroyed, it was put to great expense in the prevention of filibustering, and finally, in February, 1898, its warship *Maine*, lying in the harbor of Havana on a peaceful and friendly errand, was treacherously blown up and destroyed, and nearly

three hundred of its officers and crew were killed. Meantime the war in Cuba was marked on both sides with savage atrocities. The Spanish Governor-General proclaimed what was practically a policy of extermination, and actually began starving to death the women and children and other non-combatants of Cuba by scores of thousands. "It was," said President McKinley, "not civilized warfare. It was extermination. The only peace it could beget was that of the wilderness and the grave."

There were diplomatic negotiations, long and patient, but fruitless. The Spanish government offered a so-called "home rule system" to Cuba. It was, however, of the most illusory character, and was scornfully rejected by the revolutionists. Intervention by the United States therefore became inevitable. This ultimate necessity had long been patent. President Cleveland had already recognized it. In his annual message to Congress in the fall of 1896, he had said: —

"When the inability of Spain to deal successfully with the insurrection has become manifest, and it is demonstrated that her sovereignty in Cuba is extinct for all purposes of its rightful existence, and when a hopeless struggle for its reëstablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented to which our obligations to the sover-

eignty of Spain will be superseded by higher obligations which we can hardly hesitate to recognize and discharge."

President McKinley, in his first message to Congress in the fall of 1897, had also said : —

" The near future will demonstrate whether the indispensable conditions of a righteous peace, just alike to the Cubans and to Spain, as well as equitable to all our interests so intimately involved in the welfare of Cuba, is likely to be attained. If not, the exigency of further and other action by the United States will remain to be taken. When that time comes, that action will be determined in the line of indisputable right and duty. . . . If it shall hereafter appear to be a duty imposed by our obligations to ourselves, to civilization, and to humanity to intervene with force, it shall be without fault on our part, and only because the necessity for such action will be so clear as to command the support and approval of the civilized world."

The situation anticipated by President Cleveland in December, 1896, and the time and necessity foreseen by President McKinley in December, 1897, were realized in April, 1898. In a special message to Congress at that latter time, President McKinley truly said : —

" The long trial has proved that the object for which Spain had waged the war cannot be attained. The only hope of relief and repose from a condition which can no longer be endured is the

enforced pacification of Cuba. In the name of humanity, in the name of civilization, in behalf of endangered American interests which gave us the right and the duty to speak and to act, the war in Cuba must stop. In view of these facts and of these considerations I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the government of Spain and the people of Cuba, and to secure in the island the establishment of a stable government capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes."

These were the grounds of intervention. The first was that of humanity. The President spoke of the "barbarities, bloodshed, starvation, and horrible miseries" prevailing in Cuba. There was no question that they did prevail, to even a greater extent than he indicated. A state of affairs existed the horror of which could not easily be exaggerated. It did not matter who were responsible for it, the Spaniards or the Cubans. Probably both were in some measure responsible. What did matter was that neither Spaniards nor Cubans were willing or able to end it. Neither could conquer the other, and neither would propose a settlement which the other would accept. If that reign of horror was

to be ended, therefore, it must be by intervention, and as the United States would not let any other nation interfere, the intervention must be performed by the United States itself. That was the inexorable logic of the situation. To ignore it, to decline to undertake the responsibility, and to regard the state of Cuba as something with which we had no concern, would have been to place this country outside the pale of humanity.

The second and third grounds were the necessity of protecting American citizens in Cuba, in their lives, their property and their business. That necessity was urgent. The lives of some Americans had been lost and of many others menaced, while millions of dollars in American property and American commerce had been destroyed. The treaty rights of Americans in Cuba had for years been flagrantly ignored and violated. It was necessary to vindicate them. It was intolerable that Americans should be barred out of Cuba and that island be transformed into a savage country, closed against the commerce and intercourse of the world.

The fourth ground practically involved the self-preservation of the United States itself. The periodical wars in Cuba had entailed upon this government vast expenses, had caused it much irritation and anxiety, and had menaced its peace and integrity in the gravest manner. It was intolerable that this country should be compelled to keep its navy on a war footing year after year on

account of interminable insurrections in Cuba, and that this nation should be made a party to incessant bickerings and threatenings. The United States had the same objection to insurrections in Cuba that a householder would have to incendiarism in the house next door to his. If its neighbors would not refrain from menacing its peace and security, it would be amply justified in expelling them from the property which they so abominably ill-used. Our appeal was once more to "the immutable principle of self-defence" which had been invoked against Spain in Florida many years before.

Congress soon granted to the President the authority for which he had asked. In the early morning of April 19, 1898, the two houses adopted a joint resolution, providing for "the recognition of the independence of the people of Cuba, demanding that the government of Spain relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect." The fourth and last of the resolutions was a superfluous tying of American hands in advance. It declared "That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction or control over said island, except for the pacification thereof, and asserts its determina-

tion, when that is accomplished, to leave the government and control of the island to its people." Spain immediately regarded this action of Congress as a declaration of war, and accordingly herself began war against the United States. The result was that in a few months she was completely vanquished and was compelled to sue for peace.

The fourth of the resolutions of intervention, which we have just quoted, removes Cuba from the scope of this story of our territorial acquisitions. That resolution, though regarded by many as ill-advised and mischievous, was scrupulously fulfilled. After the expulsion of Spanish authority from Cuba, the United States established a temporary military governorship over the island, until the people had sufficiently recovered from the prostration and demoralization of the war to adopt a constitution and organize a government of their own. Thereupon the United States did promptly withdraw and "leave the government and control of the island to its people."

To turn back, however, to the war of 1898, it is to be observed that although that war was provoked by the state of Cuba and was fought primarily over that island, it involved much more than Cuba. When two nations are at war, they are at war at all points. They strike at each other wherever they have opportunity. Their entire domains are at least potentially implicated in the scene of action. It was therefore inevitable that the United

States should invade Porto Rico as well as Cuba. It did so, with ease and with success. The Spanish garrison in Porto Rico was insignificant, and the people of the island, long weary of Spanish rule, welcomed the coming of the American forces. The invasion and occupation of that island was thus little more than a holiday excursion.

Nor was that all. Spain had insular possessions of great extent at the other side of the world, in the Philippine archipelago. There had recently been an insurrection against her in those islands, but it had been suppressed, and her authority was at the time unchallenged. Spain had, moreover, at Manila a numerous fleet of warships, of unknown strength, with which she menaced our extensive commerce in Asian waters, and even threatened a descent upon our unprotected Pacific Coast. It was afterward found that this fleet was contemptibly weak, and would have been incapable of giving the United States any serious trouble. Indeed, it is probable that it would never have ventured to leave the harbor of Manila. Nevertheless, its potency and its intentions were unknown to the United States, and it was therefore essential to guard against possible action by it, by capturing or destroying it. There was also another reason for proceeding against the Spanish fleet and against Manila. The United States had at that time a small but efficient squadron at Hong Kong. But as soon as war was declared it had to depart from

that port, under the neutrality law, or else remain bottled up there until the war was over. The latter course was not to be thought of. It would have been treason against the nation. So the fleet had to leave Hong Kong. But what then? Under the neutrality law it could not return thither, and there was no American port or coaling-station in those waters to which it could repair. It would therefore have to hasten home across the ocean, leaving our commerce in Asia at Spain's mercy, or else go in and conquer a port and coaling-station for itself in the territory of the power with which we were at war.

The latter course was promptly and properly decided upon. Any other, indeed, would have been absurd. As soon as the war began, Commodore, afterward Admiral, Dewey was instructed to proceed to Manila, and capture or destroy the Spanish fleet, and take possession of that harbor and city. He did so. Arriving at Manila on the night of April 30, he steamed into the harbor under cover of darkness, regardless of the danger of torpedoes in the channel or attacks from shore batteries. On the following morning, May 1, he attacked the Spanish fleet and quickly reduced its inferior and all but helpless vessels to wreckage, with appalling loss of life to the Spaniards, but practically no injury whatever to the American fleet. The capitulation of the city and the surrender of Spanish sovereignty swiftly and inevitably

followed. Dewey had not a sufficient landing force to take possession of the city and the islands, so there was nothing for him to do but to remain on guard in the harbor with his fleet until an army of occupation could be sent from the United States, which was done as promptly as possible. Such occupation was, of course, necessary. The United States had stricken down Spanish authority in the Philippines, and by the destruction of the Spanish fleet had rendered the restoration of that authority impossible. Having deprived the islands of their only government, it must either itself provide them with another government, or leave them to anarchy or to be the prey of any power that might covet them. The latter course would have been worthy only of a pirate. The former was imperatively dictated by every sentiment of honor and of morality. Whatever might be the final disposition of the Philippines, the United States was under a compulsion which could not be escaped of assuming the responsibility of its act by taking upon itself the government of the islands.

Thus matters stood when Spain became convinced of the hopelessness of prolonging the struggle and sued for peace. Through the benevolent mediation of the French government a protocol was signed on August 12, 1898, establishing an armistice and providing for the negotiation of a permanent treaty of peace. This protocol, made by the French Ambassador at Washington, M.

Cambon, in behalf of Spain, set forth that Spain would relinquish all claim of sovereignty over and title to Cuba, and would cede to the United States Porto Rico and all other Spanish islands in the West Indies and also an island in the Ladrones to be selected by the United States, and that the United States should "occupy and hold the city, bay and harbor of Manila, pending the conclusion of a treaty of peace" which should "determine the control, disposition and government of the Philippines." The protocol was adopted by the Spanish Senate on September 10, and was signed by the queen regent of Spain on September 11.

Such were the preliminary bases of peace. The Spanish government forthwith designated five of its foremost statesmen and ablest diplomats to conduct the final peace negotiations, and the President of the United States appointed five Commissioners to meet them. The five Americans, in the order of their appointment, were William R. Day, who had been Secretary of State during the war; Cushman K. Davis, Senator from Minnesota and Chairman of the Foreign Relations Committee of the Senate; William P. Frye, Senator from Maine and President *pro tempore* of the Senate; Whitelaw Reid, editor of *The New York Tribune* and formerly Minister to France and Special Ambassador to Great Britain; and George Gray, Senator from Delaware and a member of the Joint High Commission for the settlement of disputes with Canada. The

negotiations were conducted in the famous Salon des Conférences, of the Foreign Office, in Paris, beginning on October 1.

The first three weeks and more were devoted to Cuba. Spain was bound by the protocol to relinquish all her title to that island, and her Commissioners made no effort to escape that obligation. They strove, however, to induce the American Commissioners to agree to assumption of sovereignty over Cuba and responsibility for Cuba's debts and conduct by the United States. To this the American Commissioners would not agree. They could not do so, consistently with the express declaration in the act of intervention, which bound the United States to leave Cuba, after freeing and pacifying it, to the control of its own people. By October 18 the Spanish Commissioners became convinced of the futility of further endeavors in that direction, and accordingly abandoned them. For the next nine days they strove to fix upon Cuba responsibility for a so-called Cuban debt of more than $350,000,000, the bonds for which were secured by the revenue from the Cuban custom houses. The American Commissioners replied that that debt had not been contracted by Cuba, or for Cuba's benefit, but by Spain for her own benefit and to pay the costs of her efforts to subjugate Cuba, and that it was not properly to be charged against Cuba; while, as to the alleged security, it proved to be upon

property to which the Spanish title was not good. Upon this point, too, the Spaniards were finally, on October 27, compelled to yield, and they then agreed to the first article of the permanent treaty, which declared that Spain relinquished all claim of sovereignty over and title to Cuba, and that the United States assumed responsibility for the discharge of the obligations of international law in Cuba only so long as American occupation of the island should last after the Spanish evacuation. The cession of Porto Rico and the adjacent islets, and of the island of Guam, in the Ladrones, was promptly arranged, with little difficulty.

Then came the crux of the whole negotiations, the disposition of the Philippines. Upon this point American counsels had not at first been united. When Dewey destroyed the Spanish fleet and captured Manila, there were those who promptly declared that all the Philippines must be ours. There were others who thought the retention of one or two islands of the group, or a few coaling and naval stations, would suffice. Still others thought we should retire from them altogether. It will be observed that the American government was so far from determination of this question that it left the matter entirely open in the protocol, to be dealt with in the later peace negotiations. The President in giving his instructions to the American Peace Commissioners before their departure for Paris also left the question largely open. The

Commissioners themselves were at first divided in opinion. Two of them, Messrs. Day and Gray, were opposed to annexation of the Philippines, in whole or in part, and favored entire withdrawal from those islands. Two of them, Messrs. Frye and Davis, were opposed to entire withdrawal (the former, perhaps, at the outset the more positively) but might have been content with a part of the archipelago — Mr. Davis possibly with the single island of Luzon, which would have afforded the United States an ample naval station and commercial foothold, but more probably with all excepting the Mohammedan portion of the archipelago. The fifth Commissioner, Mr. Reid, was from the outset unhesitatingly and resolutely in favor of the annexation of the entire archipelago. The situation was not unlike that at Paris in 1783, with the exception that these later Commissioners were not bound by embarrassing instructions. It will be recalled that in the bold movement which led to the making of that earlier treaty and secured for us the eastern half of the Mississippi Valley, John Jay was the intrepid and resolute leader, and that he was cordially followed by Adams, and somewhat hesitatingly but loyally followed by Franklin. So before reaching Paris, in 1898, Whitelaw Reid took the determined initiative in insisting upon the cession of the Philippines. He was soon followed cordially by Messrs. Frye and Davis, and reluctantly but loyally, in the end, by Messrs. Day and Gray.

In coming to this vindication of Mr. Reid's original policy, the Commissioners were largely directed by the results of an investigation which they held, concurrently with the peace negotiations, into the character and condition of the Philippines and the general situation of affairs there. In this they were materially aided by the testimony of General Merritt, of the United States Army, who had just come to Paris from Manila, and of other competent and expert authorities, and the result was that they finally came to these conclusions: That the islands were exceedingly valuable and thus well worth acquiring; that the great majority of the intelligent and substantial people were in favor of the establishment of American sovereignty; that the islands were quite incapable of sustaining a decent and stable independent government of their own, but if abandoned by America would fall into anarchy; that divided ownership of the group would mean incessant friction and danger of serious embroilments; and that therefore the just and reasonable course was for the United States to assume sovereignty over the whole archipelago.

All considerations, indeed, emphatically pointed to this conclusion. The United States had stricken down the Spanish authority in the islands and had destroyed the fleet which was Spain's chief means of exercising authority. Thus it had deprived the islands of their only legitimate government. It

was under a moral compulsion from which there could be no escape to give the islands in return another government, at least as good as the one of which it had deprived them. There were open six conceivable courses. One was for the United States, after having deprived the islands of their only government, to scuttle away and leave them to anarchy. That would have been the act of a pirate. The second was, to restore the islands to Spain and reëstablish Spanish authority over them. That would have been self-stultification. For the United States had gone to war with Spain for the freeing of one Spanish island from Spanish misgovernment, and it could not consistently force back other islands under that same misgovernment. The third was, for the United States to turn the islands over to some other power. Germany was believed to covet them, and there were several other European powers which would have been glad to get them and to have paid us well for them. Such a disposition of them would have savored too much of the old slave trade, when men went hunting for their fellow-men, to capture them and then sell them in the market-place. The United States went out of that business many years ago, and had no mind to resume it in 1898. The fourth course, to take only one of the islands and let some one else have the rest, was open to the same objection as the preceding, and to this additional one, that such proximity to alien pos-

sessions would be a constant source of menace to our peace. The fifth course was to leave the islands to self-government, as was to be done with Cuba. But the weight of evidence before the Commissioners was that the people of the islands were incapable of self-government, and did not desire it, but wanted to be under the sovereignty of the United States. There had been no general attempt to found an independent insular government there, as in Cuba. There had been some tribal outbreaks, but the islands were divided among many tribes, some of which were implacably hostile to others, and abandonment to self-government would be sure to result in inter-tribal wars and general anarchy. There remained, then, only one other course. That was for the United States to establish its sovereignty over all the islands and assume responsibility for them; making, however, no pledges, but keeping a perfectly free hand, to deal with them as the exigencies of time and the progress of events might require.

Upon this course, which was unreservedly advocated at first by only one of their number, all the American Commissioners were at length agreed, and the government at Washington added its sanction. The Spanish Commissioners, however, at first flatly refused to consent to it. They declared that no such surrender of the Philippines by Spain had ever been contemplated. The French Ambassador, acting for Spain, had been expressly instructed

they said, to reserve Spanish sovereignty over the islands before signing the protocol, and the United States government had made no objection thereto. And they denied that the seizure of Manila had given the United States any ultimate rights in the Philippines, save by the consent of Spain and upon terms satisfactory to her.

In these latter contentions the Spanish Commissioners were certainly in error. The terms of the protocol gave no hint of reservation of Spanish sovereignty, nor was there any understanding whatever to that effect on the part of the government at Washington. The Spanish government, through M. Cambon, did indeed try, on August 7, to have Spanish sovereignty over the Philippines reserved, but the United States government declined to accede to the proposal, thus unmistakably indicating that that matter must be left, as the protocol declared, to be settled in the final peace negotiations. As to the question of American rights in the Philippines, the American Commissioners held, and of course properly, that the right based on conquest was primary and fundamental; and if it needed reënforcement through treaty cessions, the treaty was to be dictated by the conquering power. The soundness of that contention, in international law, was beyond dispute. As a final resort the Spanish Commissioners proposed to submit the interpretation of the protocol, upon that point, to arbitration, but the Americans properly refused, on

the ground that arbitration should come before war, to avert its horrors, and not afterward, to enable the beaten party to escape its consequences.

Finally, on November 21, the American Commissioners presented what was practically an ultimatum. This was to the effect that Spain should cede all the Philippines to the United States, and that the United States should pay to Spain the sum of $20,000,000, not as purchase price for the islands but as remuneration for betterments bestowed upon the islands by Spain, and that for ten years after the treaty Spanish ships and merchandise should be admitted to the islands on the same terms as American ships and merchandise. The Americans also proposed to insert into the treaty a provision for the mutual relinquishment by America and Spain of all claims against each other for public or private indemnity for damages arising from the insurrection in Cuba. The Spanish Commissioners remonstrated against what they termed the harshness of these demands, but finally acquiesced. The treaty was completed on the lines indicated, and was signed on December 10. The American Commissioners returned home, and on December 24 placed the treaty in the hands of the President, who transmitted it to the Senate for ratification on January 4, 1899. After much deliberation the Senate ratified it on February 6. The President signed it on February 10. The queen regent of Spain signed it on March 17. Finally, on April 11, the ratifications

were exchanged at the White House in Washington and the President made proclamation of the fact to the nation.

Thus was effected this latest, and by no means least, act of American territorial expansion. It remains to observe its chief constitutional and diplomatic effects. These were and are of marked importance, though scarcely as novel and as epoch-making as those of the earlier annexations.

Cuba was, as already indicated, not annexed to the United States. The self-denying clause gratuitously attached to the act of intervention was literally obeyed by this country. This was a cause of widespread regret. There were many in Cuba, including the most substantial elements of the population, who regarded the island's ultimate annexation to the United States as inevitable, and who thought it would be best to have that act performed at once, as a safeguard to tranquillity and a guarantee of the security of life and property. The close of the war with Spain was regarded by them as an auspicious time for a permanent settlement. Some of these thought that Cuba should be admitted to the Union as a state, or perhaps as two states. Others would have been content with a territorial or colonial status.

In the United States there were many who held similar opinions, which indeed had been held by many ever since the idea of Cuban annexation was first put forward by John Quincy Adams. The

United States had exercised a virtual protectorate over Cuba for three-quarters of a century. It had fought a costly foreign war over that island. Certainly it seemed only just and reasonable that it should dispose of or appropriate the island as it pleased. It seemed quixotic to wage a war and then, instead of garnering them, to leave the results uncared for, with a possibility that in a few years the whole work would have to be done over again. To them the advance renunciation of Cuba seemed an act of folly. Whether we wanted the island or not, it was not wise thus to tie our hands in advance. The question of what to do with Cuba should have been left for decision after we had wrested it from Spain. It was even held by many that that fatuous act of Congress should not have been regarded as binding, and that it might well have been overruled and annulled by the war-making and treaty-making powers of the government.

The annexationists were, however, divided in opinion as to the status of Cuba after annexation. There were some who thought they saw in Cuba the possibility of two fine new states, and they would have admitted the island to the Union as such. Others, however, deprecated such a course. They were not dazzled by the mere prospect of adding two new stars to the flag and two more names to the roll of states. They realized that the people of Cuba were chiefly aliens, in institutions and political ideas and practices as well as in

race and speech, and therefore were not fitted for citizenship in this Union. Moreover, the question of the political and social status of the negro, already enormously troublesome in the United States, would be aggravated by the annexation of Cuba with its large negro population and its radically different way of looking at the negro question. Again, it was held to be an inauspicious thing to extend the Constitutional Union of States beyond the limits of the North American continent. If one island were admitted to the Union, others might seek the same privilege, and it would be increasingly difficult to deny them. The result might be that in time the balance of power in the United States would be held by remote insular states, and alien peoples in the isles of the sea would become the rulers of America. To guard against the possibility of such complications, and to avoid all embarrassment, it was held by many of the most judicious thinkers, including some of the most earnest annexationists, that Cuba should be acquired only as a territory, or a dependency. The same principle should be maintained toward it that had already been implied in the case of Hawaii. The United States, no matter what outlying territories it might own, should forever remain a compact continental Union.

This latter view was undoubtedly the sound and patriotic one. It might or might not have been acceptable to the people of Cuba, though doubt-

less a large part of them would have been well satisfied with such a status. It does not appear, however, that the sentiment of the Cubans should necessarily have been absolutely conclusive upon the matter. It had not been the policy or practice of the United States to base its act of annexation upon a plebiscitum of the people whom it proposed to annex. Jefferson, the author of that fine "glittering generality" about "consent of the governed," never dreamed of inquiring whether the people of Louisiana wanted to be annexed to the United States, or on what terms. His policy was that the territory should be annexed, whether the people in it liked it or not. The same was true in the cases of Florida, and California, and Alaska. Indeed, the only case on record in which the United States sought a favorable plebiscitum before annexing a country was that of the Danish West Indies, and in that case, after the people of the islands had voted all but unanimously in favor of annexation, the United States declined to annex them!

However, there were also many in both countries who were sincerely opposed to annexation in any form, at least at that time. Some Cubans wanted to enjoy the independence for which they had so long contended, and were convinced that it would be possible to maintain an independent Cuba in peace and prosperity. Some Americans, too, preferred to avoid as long as possible the

difficulties and embarrassments which they regarded as inseparable from any form of annexation. There were also many who held that the renunciatory act of Congress, whether well or ill advised, was inexorably binding upon the United States and must, at whatever cost, be fulfilled. This view finally prevailed, and that act was fulfilled. From the summer of 1898 to the spring of 1902 the United States occupied and administered Cuba, under a military governorship. In that time it largely rehabilitated the island from the ravages of war. Schools, sanitation, roads, and other public works, neglected by Spain, were created and promoted, and the island was prepared to enter upon its career as an independent state. In the latter part of 1901 and the early part of 1902 an insular constitution was adopted and a republican government organized, and on May 20, 1902, the United States withdrew from the island and left its government and control to its own people.

In that, however, it is to be observed, the United States did not repudiate nor abandon the policy which it had consistently maintained toward Cuba for three-quarters of a century. We have seen that since the days of John Quincy Adams this country had exercised something like a protectorate over Cuba, while that island was a Spanish colony. The same quasi-protectorate was continued after American withdrawal from Cuba

in 1902, and is still maintained. At the instance of the United States the Cubans added to their constitution an amendment, practically guaranteeing the non-alienation of the island, or any part of it, to any other power than the United States, and granting to the United States the exclusive treaty right of establishing naval stations upon the shores of Cuba. A certain American supervision over the finances and sanitation of the island was also provided for. In this the permanent supremacy of American influence in Cuba was assured, the perpetuation of our long-established policy toward that island was guaranteed, and the door was kept open for a larger assertion of American authority if ever, as is not improbable, it shall become desirable.

Porto Rico was ceded outright to the United States. But in the treaty there was no provision for the erection of the island into a state. On the contrary, it was the understanding that it would be held permanently as a territory or a colony outside of the Union and outside of the Constitution save as the latter should be extended to it by special act of Congress. Thus for a time a tariff was levied upon goods imported into the United States from Porto Rico, and also upon goods entering Porto Rico from the United States. The island was treated, for tariff purposes, as though it were a foreign country. The legality of this was disputed, and the matter was carried into the courts.

The result was that the policy of the government was, in the main, upheld. It was substantially decided by the Supreme Court of the United States that the Constitution did not extend to Porto Rico, except as it might be specially extended to it by Congressional enactment, and that therefore the island was not necessarily within the customs union of the United States. In brief, Porto Rico was a possession of the United States, but not a part of the Constitutional Union. That was in exact accord with the theories held by the best authorities, and acted upon by the government, in the cases of Louisiana and Florida, many years before. That principle now prevails, and Porto Rico is held as a territory outside of the Union and not destined to be admitted to the Union, though entire freedom of trade has been established between the two countries.

The same principle that was applied to Porto Rico was applied to the Philippines, the same contentions were raised against it, and the same victory for it was won in the courts. The system of government established in the Philippines differs greatly from that in Porto Rico, as is quite fitting. The Constitution does not prescribe uniformity of territorial government, but leaves it to Congress to give to each territory such a form of government as is best suited to its local requirements. The fundamental resemblance between the two is that they are both outside the Union of states and are intended thus to remain.

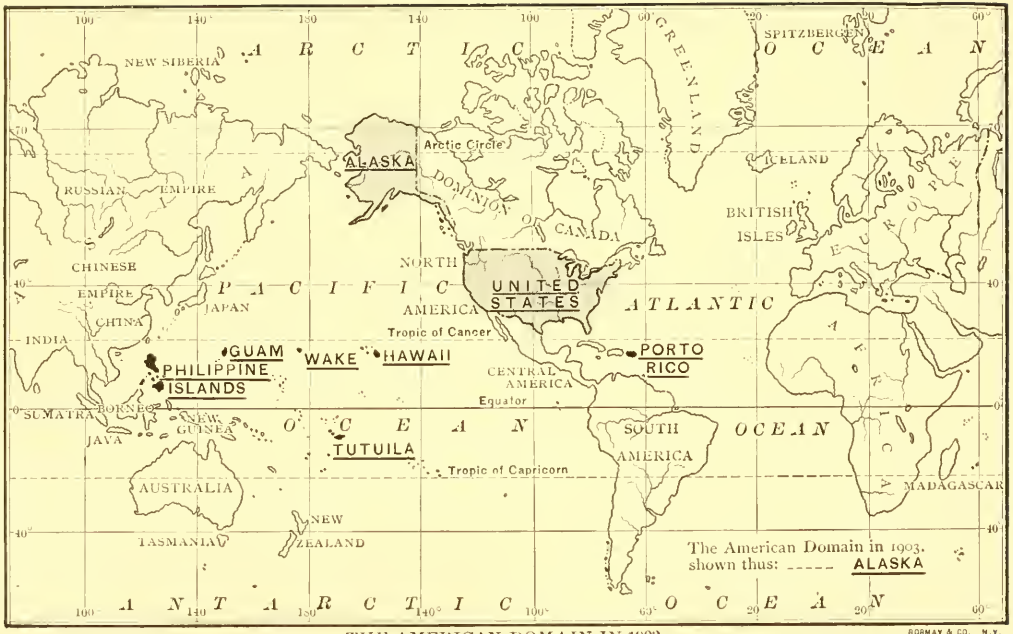
This is, as we have seen, no "new departure" in American policy. It is merely the fulfilment and maintenance of the principle set forth in the Declaration of Independence, that the United States is competent to do anything which any independent nation may of right do — including, of course, the acquisition and government of colonies and outlying territories. It is in accord with the provisions of the Constitution, that it is a "Constitution for the United States of America" — not for alien lands, and not for what is elsewhere described in the Constitution as "the Territory or other property belonging to the United States," but for the United States, and for the United States alone.

CHAPTER X

RETROSPECT AND PROSPECT

THE diplomatic results of our latest territorial annexations have chiefly to do with the Monroe Doctrine and with the extension of American interests and influence in Asia. It has been argued that by invading Asia, the United States has forfeited the Monroe Doctrine; that that Doctrine is a prohibition of European conquests in America and, of course, a renunciation of American rights of conquest in the Old World; and that so, if America ignores that renunciation and proceeds with conquests and annexations in Asia, the European powers are made free to do likewise in America. These strange views have been put forth in Europe, especially in Germany, and have even found an echo in America. We must regard them, however, as altogether unfounded and illogical.

The Monroe Doctrine was in no sense a self-denying ordinance, excepting so far as Europe and European possessions then existing in America were concerned. There is not in it the slightest obligation, direct or implied, for the United States



THE AMERICAN DOMAIN IN 1903.

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to confine its interests and its activities to the American continents or to the western hemisphere. Let us recall its phrases: —

"The occasion has been judged proper for asserting," said Mr. Monroe, "as a principle in which the rights and interests of the United States are involved, that the American continents are henceforth not to be considered as subjects for future colonization by any European powers. . . . In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded, or seriously menaced, that we resent injuries or make preparations for our defence. . . . With the existing colonies or dependencies of any European power, we have not interfered, and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States."

Now it is quite obvious that this famous and, on the whole, admirable and beneficent utterance was not, and is not to be, taken literally. For literally it was not and is not true. "With the existing

colonies or dependencies of any European power, we have not interfered." The President who penned those words had himself been one of the envoys who negotiated the Louisiana Purchase treaty, and he knew quite well that that transaction was nothing in the world but the alternative to a war in which we should have interfered with an existing colony or dependency of France. Again, he had been President a few years before the date of his Doctrine, when the United States army did forcibly interfere with Florida, an existing colony or dependency of Spain, and practically achieved the conquest of it, and he had made the treaty under which Spain was compelled, under penalty of outright confiscation, to sell her Florida possessions to us at our own price. Moreover, he had already sanctioned the adoption of a policy of American interference with the Spanish colony of Cuba, to the extent of declaring that it should not be alienated to any other power.

It is, therefore, not to the ungrammatical and not altogether truthful letter of the Doctrine, but to the spirit of it, that we must look for its real purport. That spirit is briefly to this effect, that Europe must not meddle with the domestic interests of the Americas, and that in return the United States will not meddle with the domestic affairs of Europe. That is all. There is nothing in it that forbids European powers to make treaties with or to wage war against American states, and as a

matter of fact such treaties have been made and such wars have been waged without our protest. There is nothing to prevent European powers from collecting debts due them from American states, or from holding the latter responsible for the discharge of international obligations, which also they have repeatedly done. Such affairs are not domestic to America, but are international in scope. Neither does the Doctrine bar America from a certain participation in European affairs. "In the wars of the European powers, in matters relating to themselves, we have never taken any part." No. But we had taken part in European wars in matters relating to ourselves. We had sent fleets and an army to the Mediterranean, and to those North African states which were much more nearly a part of the European system than is eastern Asia.

The Monroe Doctrine, therefore, does not in either letter or spirit bar us out of Asia, unless we are to consider Asia a part of Europe, which would be absurd. Asia is left a neutral ground between Europe and America, in which the latter has equal rights with the former, in both peace and war. America, just as much as Europe, is entitled to an open door in Asia for peaceful commerce, and, in emergency, she has an equal right to exert physical force upon Asia for the attainment of her ends. This America has already done, more than once. The "opening" of Japan was acquiesced in by

European powers, which profited from it. The "opening" of Korea was not reckoned a violation of the Monroe Doctrine. Neither has our acquisition of the Philippines traversed that Doctrine in any sense. It is from it a matter entirely apart.

The annexation of the Philippines does not mark any "new departure" in our Asian policy or in our international relations, but merely an extension and confirmation of principles and policies already well established. Neither do these recent acquisitions and expansions make America for the first time a "world power" and for the first time introduce her into "world politics." Our review of the century of expansion has been vain if it has not shown that, for a hundred years and more, this has been a world power engaged in the practice of world politics. Europe's Seven Years' War was begun upon American soil. The negotiations of 1783 at Paris involved the politics of Europe as well as the recognition of American independence. The Louisiana Purchase and the Monroe Doctrine were things that affected the world outside of our boundaries. From the very beginning America has been a world power and a participant in world politics. It has fought two wars with Great Britain, two with the Barbary States, and practically one with France. It has warned the French to quit Mexico, and the British to quit Hawaii, and both France and Great Britain to keep hands off Cuba. It has arbitrated with Great Britain, before international

tribunals, the Alabama claims, the San Juan boundary, and the Behring Sea dispute. It entered into the Clayton-Bulwer treaty with Great Britain, and into the Samoan treaty with Great Britain and Germany. It took part in the international courts of Egypt. It opened Japan and Korea. And all these things were long before the acquisition of the Philippines.

The notion that America should refrain from taking part in so-called world politics is as mistaken as it is futile. It appears to have arisen from an overstrained interpretation of some passages in Washington's Farewell Address. There are always some souls "more royal than the king." So there are and have been those who, catching upon a part of Washington's meaning in that famous address of his, would enforce a partial conception of his policy to an extent of which he never dreamed and which he would to-day be the last to approve. Washington was not unmindful of the rule that "the times change and we change with them." He had assuredly no notion of laying down for three or four million poor, weak, struggling colonists on the Atlantic coast a rule that should be binding and unchangeable as the laws of the Medes and Persians, hard and fast forever, upon one of the largest, richest, and strongest nations in the world, with a domain stretching from sea to sea upon this continent and including hundreds of oceanic islands reaching in a chain half-

way round the globe. He did not mean such folly, any more than he meant the Thirteen Colonies to remain forever content with the Atlantic littoral. The fiery expansionist who led his rude and ungovernable conquistadors across the Alleghanies to do battle for the Ohio Valley, would, if he were living to-day, be foremost in extending American interests and American influence to the uttermost ends of the earth.

What Washington urged upon his countrymen was that it was best for this country, not as it might be at some future time, but as it was then, young, poor, and feeble, to refrain not from international relations and even alliances, but from permanent alliances with European powers. He said not a word against temporary alliances, even at that early date. Indeed, he explicitly mentioned them as in certain circumstances to be welcomed. Jefferson, too, is often quoted as an authority against entangling alliances. Yet, as we have seen, Jefferson explicitly suggested and urged an offensive and defensive alliance with one European power for the purpose of intruding ourselves into European complications and waging war against another European power. The simple fact is that the founders of this republic had no idea of making it a hermit nation, such as some Asian realms have been. They meant it rather to be a "world power," generous and active in the affairs which concern or should concern all nations. Their ideal

for it was that of a nation which should adopt and adapt to itself the words of the Roman sage, "Homo sum, humani nihil a me alienum puto," saying for itself, "I am a humane nation, and whatever concerns mankind concerns me."

The diplomatic effect of our latest act of expansion is, therefore, more subjective than objective. It does not alter our attitude toward the world at large. But it serves, or should powerfully serve, to remind us anew of that attitude, of the privileges which it conveys, and of the responsibilities which it imposes. It is one of the benefits of contact with other nations, even of the rude contact of war, that it inculcates a sense of courtesy and of accountability, and of amenability to the customs and laws of the world at large. Our dealings with Spain and our acquisition of the remains of her colonial empire have, on the one hand, demonstrated to the rest of the world our power and growth, and have, on the other hand, taught us the necessity of courtesy and consideration in dealing with our neighbors, and of observing the rule of "do ut des."

Nor is there lacking a pregnant suggestion of the possibilities and limits of further American territorial expansion, whether by purchase or by conquest. We have seen that the entire process of our expansion, not only for a century, but since that first excursion through Swift Run Gap, has been coherent and sequential, each step prescrib-

ing the next according to the law of cause and effect, and all made according to well-defined and reasonable principles. Whatever further acquisitions of territory there may be, therefore, should be in consonance with those same principles and in pursuance of the same consistent and established policy. On such grounds the limits of expansion are, perhaps, most clearly to be seen. We need no more territory for settlement and occupation, as we needed the Ohio Valley, wherefore we shall seek no more for that purpose. We need none and shall seek none for the opening of routes of commerce, as we did in the case of Louisiana; for it is to be assumed that free transit across the American isthmus will be secured by other means. If such transit were unreasonably and arbitrarily denied, however, the same natural law that required the opening of the Mississippi to commerce might be held applicable again. It will not be necessary to oust any more neighbors from this continent, as we did France, for fear lest they grow too strong for our safety; for neither Canada nor Mexico contains any such potentiality. Neither, seeing how well those neighbors maintain order and fulfil their neighborly obligations toward us, will there be any cause for treating them as we did Florida.

The one quarter, then, in which there seems to remain reason for further expansion, at least within the practically measurable future, is in the West

Indies. It was there that the cause of our latest conquests arose, and the same principle that made that cause operative still prevails. That is, the reversionary title of the United States to the islands lying off its coast. We have seen how consistently and effectively that principle was maintained in the case of Cuba — that that island must not be transferred by Spain to any other power, but, if relinquished by Spain, must become independent under our protection or must become our property. Cuba has, in accordance with that rule, now become independent, under our protection ; and if ever her experiment of independence shall fail, she will inevitably become our territory. The United States could not tolerate anarchy in Cuba, nor the acquisition of that island by any other power.

The second island of the West Indies in point of size, Hayti, is now divided between two independent republics. They are pursuing a troubled course, which may decline into hopeless anarchy, or may happily lead upward into tranquil prosperity. If the latter, we shall be pleased to see them remain forever independent. If the former, it may become necessary for the United States to intervene and even to establish its authority over them. In any case, there must be an inexorable American prohibition of anything like European conquest or control of them. They must remain independent, and justify their indepen-

dence, or else become territories of the United States.

The other islands are now possessions of European powers — Great Britain, France, Denmark, and the Netherlands. There is, under the capable and enlightened governments of those powers, no danger that we shall ever be called to intervene in them for humanity's sake, as we did in Cuba. But the same principle of reversionary right which we established in the case of Cuba long ago seems to be equally applicable to them. With their present ownership, in the words of the Monroe Doctrine, we have not interfered and shall not interfere. But it would not be compatible with American interests and welfare for such ownership to be transferred to any other power. So long as those powers wish to hold and can hold those islands, the United States will fully respect their right to do so. But whenever they relinquish them, the islands must either become independent or must become territories of the United States. Indeed, we may regard the latter as the sole alternative, since the islands are too small to form permanent and prosperous independent commonwealths. We may even go further than that, and say that no island in American waters can be permitted to share the fate of its present owner, should the status of the latter be changed in any way. For example, if one of the powers now owning some of these islands should be conquered and annexed by another European

power, or should voluntarily incorporate itself into the empire of another, it would not be compatible with American interests for its colonial possessions in American waters or on the American continent to go with it into that new connection.

America cannot, however, play the part of the dog in the manger. She cannot prohibit the transfer of these islands from one power to another without accepting the alternative. She must, that is to say, stand ready to take possession of them herself whenever they are to be separated from their present owners. This, we may assume, will in each case be effected by peaceful treaty of purchase and cession, though it behooves this country to be not unprepared for more strenuous measures, should alien animosity or other circumstances make them necessary for the protection and maintenance of American rights.

Beyond these possible prospects of expansion, it is not profitable to look. Expansion has never been and never should be an end in itself, but merely a means of working out our highest national destiny. It has in the past proved such a means, absolutely essential and inestimably profitable. It would hereafter be deplorable, and deserving of strongest condemnation, for America to seize upon any additional territory, great or small, through mere lust of land. It would be equally deplorable and worthy of condemnation for America to decline

the acquisition, whether by peaceful purchase or by forcible conquest, of any territory the control of which by us was dictated by humanity or honor, or the possession of which was essential to our own safety, peace, and prosperity.

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